

Contact details

Committee Officer on 01730 814810

Email committee.officer@southdowns.gov.uk



**SOUTH DOWNS NATIONAL PARK AUTHORITY
PLANNING COMMITTEE**

A meeting of the Planning Committee will be held at **10.00 am** on **Thursday, 10th December, 2020** at the **Online via Zoom Cloud Meetings**

Trevor Beattie, Chief Executive (National Park Officer)

AGENDA

- 1. Apologies for absence**
- 2. Declaration of interests**
To enable Members to declare to the meeting any disclosable interest they may have in any matter on the agenda for the meeting.
- 3. Minutes of previous meeting held on 12 November 2020** (Pages 3 - 8)
To approve as a correct record the minutes of the Planning Committee meeting held on 12 November 2020.
- 4. Matters arising from the previous meeting minutes**
To enable any matters arising from the 12 November 2020 Planning Committee minutes that are not covered elsewhere on this agenda to be raised.
- 5. Updates on previous Committee decisions**
To receive any updates on previous Committee decisions.
- 6. Urgent matters**
To consider any matters on the agenda which the Chair agrees should be considered as a matter of urgency due to special circumstances.

DEVELOPMENT MANAGEMENT

- 7. Application Number: SDNP/20/02616/FUL - Dangstein** (Pages 9 - 40)
Local Authority: Chichester District Council
Proposal: Supplementary use of woodyard for processing timber for off-site use in timber frames and for secondary timber products.
Address: Dangstein, Laundry Cottage Dangstein Road Rogate GU31 5BZ
To consider a report by the Director of Planning (Report PC20/21-24).
- 8. Application No.: SDNP/19/06035/FUL – Land South West of Woodcote Manor Cottages** (Pages 41 - 60)
Local Authority: Winchester City Council
Proposal: Proposed Agricultural Grain Store, Agricultural Building and Associated Infrastructure (Inclusive of Hardstand, Attenuation Pond and Landscaping).
Address: Land South West of Woodcote Manor Cottages Petersfield Road Bramdean Alresford Hampshire SO24 0LR.
To consider a report by the Director of Planning (Report PC20/21-25).

STRATEGY & POLICY

- 9. The South Downs National Park Authority's response to Submission (Reg 16) consultation on the Rogate & Rake Neighbourhood Development Plan (RRNP)** (Pages 61 - 124)
To consider a report by the Director of Planning (Report PC20/21-26).

Members of the Planning Committee

Alun Alesbury, Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome,
Diana van der Klugt, Gary Marsh, William Meyer, Robert Mocatta, Vanessa Rowlands and
Andrew Shaxson

Ex officio Members (may participate on Policy items but not vote): Ian Phillips

Members' Interests

SDNPA Members have a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regard themselves first and foremost as Members of the Authority, and will act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

Members are required to declare any disclosable pecuniary interest that is not already entered in the Authority's register of interests, and any personal interest and/or public service interest (as defined in Paragraph 18 of the Authority's Code of Conduct) they may consider relevant to an item of business being considered at the meeting (such disclosure to be made at the commencement of the meeting, or when the interest becomes apparent).

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SOUTH DOWNS NATIONAL PARK AUTHORITY

PLANNING COMMITTEE 12 November 2020

Held: online via Zoom videoconferencing, at 10am.

Present: Alun Alesbury (Chair), Heather Baker, Janet Duncton, Thérèse Evans, Barbara Holyome, Diana van der Klugt, Gary Marsh, Robert Mocatta, Vanessa Rowlands, Andrew Shaxson and Ian Philips (ex. officio).

Officers: Mike Hughes (Major Planning Projects and Performance Manager), Rob Ainslie (Development Manager), Lucy Howard (Planning Policy Manager), Becky Moutrey (Solicitor), Richard Sandiford (Senior Governance Officer) and Sara Osman (Governance Officer).

Also attended by: Rafa Grosso Macpherson (Senior Development Management Officer) and Hannah Collier (Senior Planning Policy Officer), Duncan Keir (Drainage Engineer, Chichester District Council).

OPENING REMARKS

165. The Chair welcomed Members to the meeting and informed those present that:

- Due to the current Coronavirus pandemic full meetings were not able to be held at the Memorial Hall until further notice, hence the meeting of the South Downs National Park Authority was held using the Zoom Cloud Meetings software.
- The meeting was being webcast by the Authority and would be available for subsequent on-line viewing. Anyone entering the meeting was considered to have given consent to be filmed or recorded, and for the possible use of images and sound recordings for webcasting and/or training purposes.

166. The Senior Governance Officer confirmed the Members of the Planning Committee who were present, that the meeting was quorate and reminded Members of the protocol that would be followed during the online meeting.

167. The Chair reminded those present that:

- SDNPA Members had a primary responsibility for ensuring that the Authority furthers the National Park Purposes and Duty. Members regarded themselves first and foremost as Members of the Authority, and would act in the best interests of the National Park as a whole, rather than as representatives of their appointing body or any interest groups.

ITEM 1: APOLOGIES FOR ABSENCE

168. Apologies were received from Tim Slaney and William Meyer.

ITEM 2: DECLARATION OF INTERESTS

169. Janet Duncton declared a non-prejudicial, public service interest for item 7 as Fittleworth was in her division as a County Councillor for West Sussex.

ITEM 3: MINUTES OF PREVIOUS MEETING HELD ON 8 OCTOBER 2020

170. The minutes of the previous meeting held on 8 October 2020 were agreed as a correct record and signed by the Chair.

ITEM 4: MATTERS ARISING FROM PREVIOUS MINUTES

171. There were none.

ITEM 5: UPDATES ON PREVIOUS COMMITTEE DECISIONS

172. The Planning Policy Manager gave an update on the Soft Sand Single Issue Review (SSR), which was being worked on jointly by the SDNPA and West Sussex County Council. An Examination Hearing in Public had been undertaken online at the end of August 2020, and the Inspector made some minor modifications. These modifications will go out to consultation from 16 November 2020 to mid-January 2021, and it was hoped that the SSR would be adopted at the Full Authority NPA in March 2021.

ITEM 6: URGENT ITEMS

173. There were none.

ITEM 7: SDNP/20/03676/FUL - Land at Limbourne Lane and The Fleet

174. Duncan Keir, Drainage Engineer for Chichester District Council, joined the meeting
175. The Case Officer presented the application, referred to the update sheet and gave a verbal update that one further objection had been received. The issues raised in this objection were covered in the Officer's report.
176. The following public speakers addressed the Committee:
- Hilary Jeffs spoke against the application representing herself
 - Walter Jones spoke against the application representing himself
 - Colin Kiely spoke in support of the application as the agent representing the applicant
 - Lee Scott spoke in support of the application representing Fittleworth Parish Council
177. The Committee considered the report by the Director of Planning (Report PC20/21-21), the update sheet and the public speaker comments, and requested clarification as follows:
- How often would the proposed Sustainable Urban Drainage scheme (SuDS) need maintenance, whose responsibility would this be in the future and who would pay for ongoing maintenance?
 - Was the proposed wetland habitat sufficient to support drainage of the site, and was this covered by the conditions?
 - Why 14 dwellings were proposed in this scheme when the local Neighbourhood Development Plan (NDP) proposed that about 12 dwellings were acceptable for this site?
 - What was the size of the site and the housing density of the proposal?
 - Why were chimneys proposed for some dwellings but not all?
 - How was the sum of £4,000 reached for the developer's contribution towards traffic calming, and was that sufficient?
 - Was there anything in place to protect the trees which lined the A283 along the southern boundary of the site, which included some very mature oak trees?
 - Would the telegraph pole at the proposed entrance be moved?
 - Was the open space by the pond open to all villagers?
178. In response to questions, Officers clarified:
- Condition 11 ensured that development would not commence, other than works of site survey and investigation, until the full details of the proposed surface water drainage scheme had been submitted to, and approved in writing by, the Local Planning Authority. The scheme was also required to submit full details of the proposed maintenance and management of the SuDS system (including the on-site pond and watercourses) in a site-specific maintenance manual. It was for the developers to decide how future maintenance would be managed, however this would usually be the responsibility of a Management Group, which could be an independent management company or a residents group. The Management Group would be liable for ensuring the maintenance manual was adhered to. It was likely that residents would be expected to pay for any future maintenance through a residents group or management company.
 - The existing pond would be restored and expanded to increase the wetland habitat that would provide drainage of water from the site. Both the current pond and the ditch running along the southern boundary had not been maintained for many years and restoring these, along with expanding the pond, was considered sufficient to provide drainage to the site.
 - A NDP provided an indication of community support for development on a given site. It is good practice that NDPs are not specific regarding the number of dwellings on a site, in order that each site should be considered on its own merits. In this case, the Examiner added the word 'about' to allow for some flexibility. 14 dwellings was considered acceptable.

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- The site was 0.92 hectare. This equated to a housing density of approximately 15 dwellings per hectare, which was considered reasonable.
- Four of the detached units would have working chimneys and this was considered reasonable by Officers. Details of all chimneys would be controlled through the conditions.
- The developers had met with Officers and the local Highways Authority to discuss the costs of implementing a Traffic Regulation Order to introduce a 30mph speed limit along the A283. Officers considered £4,000 was a reasonable contribution towards these costs.
- Whilst 5 trees would be removed to create the entrance to the site from the A283, officers had not felt a protection order was needed for the other trees as there was no benefit to the developer to remove further trees. However, taking into account Members' concerns it was agreed that a Tree Preservation Order would be sought for the remaining trees on the boundary with the A283 under delegated authority.
- The telegraph pole would be moved and developers had been in discussions with the utility company to re-site it.
- The open space by the pond would be available for public use.

179. The Committee discussed and debated the application, making the following comments:

- This was considered a well-designed scheme, which took landscape and ecology into account and met sustainable construction policies. The design gave a feeling of space on this edge of settlement site and the majority of the mature trees were to remain to ensure the site was in keeping with the rest of the village.
- Members welcomed that the scheme provided both 50% affordable housing and a number of smaller dwellings which were needed in the village. Whilst it was recognised that the total number of units was greater than outlined in the Fittleworth NDP, as the housing density and scheme design were satisfactory 14 dwellings was considered acceptable for this site.
- It was agreed that the proposal was a good solution to current flooding issues. However, concern was raised about the financial responsibility for maintenance of drainage of the site and that residents in the affordable housing units may need support if they were expected to pay maintenance fees.
- Members asked that the recommendation include the wording "from the developer", to ensure it was clear that the £4,000 towards traffic calming would be provided by the developer.
- It was noted that further information had been emailed to Members by one of the speakers during the course of the meeting. Members were advised to disregard the email as all speakers had been given a fair opportunity to present their views to the Committee.

180. It was proposed and seconded to vote on the Officer's recommendation, subject to insertion of the words come "from the developer" in the recommendation, so that the first resolution (i,b) should read "A financial contribution of £4,000 from the developer towards traffic calming measures in the area".

181. **RESOLVED:**

- I. That planning permission be granted subject to:
 - i) The completion of a Section 106 legal agreement, the final form of which is delegated to the Director of Planning, to secure the delivery of the following:
 - a) 7 affordable dwellings, of which 5 of social rented tenure and 2 of shared ownership;
 - b) A financial contribution of £4,000 from the developer towards traffic calming measures in the area;
 - ii) The conditions as set out in paragraph 10.2 of this report.

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2. That authority be delegated to the Director of Planning to refuse the application with appropriate reasons if the S106 Agreement is not completed or sufficient progress has not been made within 6 months of the 12th November 2020 Planning Committee meeting.
182. The meeting adjourned for a 5-minute comfort break. On resumption of the meeting the Senior Governance Officer confirmed the Members of the Planning Committee who were present and that the meeting was quorate.
183. Duncan Keir and Janet Duncton left the meeting.

ITEM 8: Draft Camping and Glamping Technical Advice Note (TAN)

184. The Senior Planning Policy Officer presented the report and referred to the update sheet.
185. The Committee considered the report by the Director of Planning (Report PC20/21-22) and requested clarification as follows:
 - Was there any leeway on whether CIL could be charged or not, and whether CIL funds could be used to support landowners to open up permissive paths across their land to enable users to get from the campsites out into the countryside or to access local facilities.
186. In response to questions, Officers clarified:
 - What the CIL funds were spent on was not up for negotiation on a site by site basis but the Planning Policy Manager agreed to look into this further.
187. The Committee discussed the report, making the following comments:
 - It was agreed that the TAN should include guidance on both the provision for waste management for each site, and the visual impact of hardstanding and car parking, which was often required for campsites.
 - It was suggested that more guidance on appropriate design should be provided rather than precluding prefab or off-the-shelf pods. In some circumstances these may be considered acceptable providing they could be sited appropriately.
 - Members proposed that farmers from the SDNPA Farm Clusters should be included in the consultation for the TAN, as farm diversification was often a reason for increased camping and glamping sites
 - Members discussed whether wild camping should be included in the TAN as it was not a planning matter, however it was recognised as a key issue due to an increased interest in camping and public confusion on whether wild camping was permitted. It was agreed to improve the wording on wild camping to ensure clarity, and to state that wild camping is unlawful, rather than illegal as stated in the TAN.
 - It should be made clear that the reference to covid-19 was a temporary change and only relevant during any period of restrictions imposed due to the covid-19 pandemic.
 - Members expressed concern that the diagram for Figure 4 (Jill's campsite – Ecosystem Services) was too simplistic and should be made clearer.
 - A number of minor amendments to the text were suggested:
 - Section headed 'Planning Policy', second paragraph: remove the word 'gentle' so that it reads: "The SDLP is landscape led and sets out a balance between development and the landscape itself"; change 'how camping can take place' to 'how camping may be able to take place'.
 - Section headed 'Planning Policy', third paragraph: change the word 'can' to 'may be able to' and add text to the end of the first sentence so that it reads: "Camping may be able to provide low cost, overnight stays within the beauty of the natural landscape but without harming the beauty, tranquillity for other users".
 - Section headed 'SD23: Sustainable Tourism: remove the word 'blocking' and change text in bullet c) so that it reads "New camp sites should not detract from the special qualities of the National Park. for example, by lessening tranquillity or appearing prominent in views."

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- Section headed 'Jill's Campsite': bullet c) should ensure that restored hedgerows do not interfere with established views.
188. It was proposed and seconded to vote on the officer's recommendations, subject to the comments made at the 12 November 2020 Planning Committee being taken into account.
189. **RESOLVED:** The Committee:
1. Approved the draft Camping and Glamping Technical Advice Note for public consultation, subject to the comments made at the 12 November 2020 Planning Committee being taken into account. and
 2. Delegated to the Director of Planning, in consultation with the Planning Committee Chair, authority to make further minor changes to the Technical Advice Note prior to public consultation.

ITEM 9: Half Year Neighbourhood Planning Updates

190. The Senior Planning Policy Officer presented the report and referred to the update sheet.
191. The Committee considered the report by the Director of Planning (Report PC20/21-23) making the following comments:
- It was noted that a map of 'made' and 'not made' Neighbourhood Development Plans (NDPs) was included in the annual Authority Monitoring Report to the NPA. The map also showed neighbourhood areas without NDPs. For the majority of neighbourhood areas it was beneficial to have a NDP in place as the community could benefit from a higher rate of Community Infrastructure Levy (CIL) being received.
192. **RESOLVED:** The Committee noted the progress to date on the preparation of Neighbourhood Development Plans across the National Park.
193. The Chair closed the meeting at 12.50pm.

CHAIR

Signed: _____

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Agenda Item 7
Report PC20/21-24

Report to	Planning Committee
Date	10 December 2020
By	Director of Planning
Local Authority	Chichester District Council
Application Number	SDNP/20/02616/FUL
Applicant	Mr P Cox
Application	Supplementary use of woodyard for processing timber for off-site use in timber frames and for secondary timber products.
Address	Dangstein, Laundry Cottage, Dangstein Road, Rogate. GU31 5BZ

Recommendation:

That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report.

Executive Summary

In 2017 the applicant applied for a mixed use of the site for the purposes of recreation and education. This application was refused for three reasons primarily as it not been adequately demonstrated that there would not be planning harm caused by the proposals and that the proposals would cumulatively lead to a detrimental impact that would not conserve or enhance the National Park landscape.

The applicant subsequently appealed this decision to the Planning Inspectorate who then allowed the mixed use on the 18 November 2019 for a period of 3 years. The appeal was allowed insofar as the operations as described by the applicant in the planning description. The Planning Inspector considered in his concluding paragraph that the site activities not covered by the appeal decision, being low level production of wood products, such as the timber frames and supplementary wooden products, were not capable of being ancillary to the established commercial use of the site. The appeal decision is included as **Appendix 2** to this report.

Therefore, this application has been submitted to seek consent to resume the production of timber framing and production of supplementary wooden products at the existing woodyard within the site.

The site has been subject to enforcement investigations over the last c.10 years in regard to the uses/activities which have taken place as well as physical development. This culminated in the recent planning Inquiry which established that the existing lawful use of the site was woodland and that commercial forestry is also a permitted use. This has been used as a 'baseline' from which to assess the proposals subject of this report.

All of the various activities which have taken place have caused the local community concern and this is reflected in the representations received.

The main considerations are:

- Principle of Development
- Landscape and Visual Impact
- Biodiversity, Ecology and Ecosystem Services

- Impact on Surrounding Residential Amenities
- Highways, Access and Traffic
- Dark Night Skies

Following consideration of the application and its contribution to sustainable employment and production of goods within the National Park, approval is recommended subject to a number of conditions.

The application is placed before Members due to the consideration of a previous application at the December 2017 committee meeting and a significant number of third party representations.

I. Site Description

- I.1 The site is approximately 1.5km north east of Rogate and 1km north of the A272. The whole site as identified by the blue line on the submitted site plan is approximately an 11ha in size and comprises of late 20th Century woodland, much of which is plantation trees, an area of semi-natural ancient woodland on its eastern side and heathland in approximately the centre of the site. It is on a south facing hillside where the land slopes southwards through the site and it is in an elevated location with some distant views towards Harting Down. The site is not particularly discernible in the landscape from Harting Down. At the southern edge of the site is a dwelling called Laundry Cottages which is occupied by the Applicant.
- I.2 There are two notable accesses into the site, onto Fyning Lane on the western site boundary and another on Dangstein Road further north. The existing access on Fyning Lane is proposed to be used for the application proposals and this is the access that is currently used for all forestry activities.
- I.3 The site was part of the Dangstein Estate which was previously owned by the National Trust which sold it in individual lots c.10 years ago. Removal and thinning of the woodland has since taken place alongside the management of its understorey and new heathland has been created in the central area of the site where it was previously conifer plantation. The site has also been used for non-forestry activities by a field archery club and for some of the activities proposed in the application. The site is used for some commercial forestry and the timber yard, subject of this application, is located in the western part of the site where felled trees are processed.
- I.4 South of the site is Home Farm where adjacent fields are used for grazing horses. To the west of Fyning Lane is a hamlet of dwellings at Terwick Common which use Fyning Lane for access, whilst to the east the closest dwellings are Garden Cottage and Dangstein House within 100m of the site. The area immediately around these properties and land further south is a historic parkland. To the north is an area of woodland and another dwelling. There are no public footpaths within the site. The Serpent Trail is approximately 300m to the north and is accessible via other footpaths.

2. Relevant Planning History

- 2.1 The following planning history is relevant to the application site:
 - SDNP/16/03499/FUL - The use of the land for forestry and recreation (including archery), traditional woodland crafting, education and tourism through the provision of 6 camping pitches, 6 overnight shelters, and a community shelter with separate composting toilet and washroom, and improvements to disability accessibility by surfacing an existing path for wheelchair use and creating 2 disabled car parking; Refused on the 20 February 2017 on the following grounds;
 1. *It has not been demonstrated that the proposed uses of the site will not cumulatively lead to a level of activity that would be detrimental to the amenities of nearby residential properties and the tranquillity of this rural area through noise and disturbance associated with activities being carried out at unsocial hours and traffic leaving and entering the site. This falls contrary to saved policies R2 and RE12 of the Chichester Local Plan 1999.*
 2. *The proposed parking provision is inadequate to meet the anticipated requirements as set in information submitted in support of the application, leading to indiscriminate parking*

causing harm to the visual and other qualities of the site contrary to saved policies R2 and RE12 Chichester Local Plan 1999.

3. *It has not been demonstrated that safe and sustainable access can be achieved in accordance with the requirements of paragraph 32 of the National Planning Policy Framework and the proposal falls contrary to saved policy TR6 of the Chichester Local plan 1999.*
- SDNP/17/03623/FUL – The continued use of land for forestry and woodland management, and use of land for recreation, education for lifelong learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities; Refused on the 19 December 2017 on the following ground;
 1. *The proposed uses of the site would cumulatively lead to a level of activity which, through noise and disturbance including from traffic arriving and departing the site, would not conserve or enhance the National Park landscape and its tranquillity. The proposals therefore do not accord with saved policies R2 and RE12 of the Chichester District Local Plan 1999, policies SD4 and SD7 of the South Downs Pre-Submission Draft Local Plan 2017, the 1st Purpose of a National Park, and the National Planning Policy Framework 2012.*
- This decision was subsequently appealed by the applicant to the Planning Inspectorate who allowed the appeal on the 18 November 2019 for a period of 3 years. The appeal was allowed insofar as the operations as described by the applicant in the above planning description. The planning Inspector considered in his concluding paragraph that the only area of site activity that was not covered by the appeal was the low level production of wood products, such as the timber frames. The appeal decision is included as **Appendix 2** to this report.

3. Proposal

- 3.1 The development proposed consists of two supplementary wood-processing activities to be undertaken on the application site, alongside existing lawful timber processing:
 - The shaping, cutting and testing of joints in timber so that it may be later used off-site on up to 6 timber-framed structures per year and
 - The processing of rustic timber products on up to 12 days per year
- 3.2 The Planning Inspector, when considering the recent planning Inquiry at the site for recreational and educational use, established that the existing lawful use of the site is woodland, including commercial forestry. However, whilst in his decision he agreed that this included some activities such as coppicing, felling, de-barking, cutting and sawing, chipping, making fencing, collecting pea sticks and bean poles or working with conservation volunteers, were able to be considered ancillary to the forest operation, he concluded that the operations as undertaken onsite consisting of framing and small scale bench, table and fencing production were not ancillary and that a further application should be submitted for consideration to the SDNPA.
- 3.3 Accordingly, this application has been submitted to seek to a change to the use of use of the woodyard at Dangstein Conservancy such that framing and production of small scale timber products can be undertaken as supplementary use to the existing permitted use of commercial forestry.
- 3.4 The proposals are in addition to existing forestry uses and activities ancillary to forestry that currently occur at the woodyard. Whilst the Planning Inspector granted only a temporary consent for the educational and recreational use of the site, this application seeks full planning consent as it is primarily submitted in connection with the permanent lawful use of the site, commercial forestry.
- 3.5 The applicant states within the submission that the proposal seeks to support the current activities permitted within the site so that some timber at the woodyard may be further

processed in order to make it more useful and marketable. The submitted information advises that the supplementary processes entail cutting joints in and crafting timber using hand tools in the manner of traditional to greenwood timber framers.

4. Consultations

4.1 Rogate Parish Council: Objection

- The application seeks permission for manufacturing activities on-site in the three existing buildings. But those buildings are only allowed to be there under permitted development for forestry activities not manufacturing. However, the buildings are not included in the current application. Hence application is incomplete and should be refused.
- The application states the number of structures to be manufactured a year and the number of days per year manufacturing. It does not define the size and type of those structures and products, nor does it limit the scope to only timber drawn from within the site. Hence the application is incomplete and should be refused.
- The size and scope of the manufacturing operation is defined by limits that are un-enforceable without continuous observation.
- The red line defines the area of the application does not include any access to the public highway for the manufactured products. Hence the application is incomplete and should be refused.

4.2 Environmental Health: No Objection,

- No objection to the proposal subject to conditions deemed necessary to safeguard amenity.

4.3 WSCC Fire Officer: Comments

- The area identified on the plans submitted does not have any access for the Fire Service Vehicle or a Fire Hydrant within the required distance. As this planning application does not involve any new build properties we cannot raise a condition for the supply of water for firefighting as this is an existing site.
- Case Officer Comment – This is not a matter to refuse the operation as this is an existing site with commercial operation for commercial forestry and recreational and educational use.

4.4 Ecology: No Objection

- The application site is located in an area of woodland, with a parcel of Ancient Semi-Natural Woodland located to the east. It is understood that the proposals entail no development and no changes to the existing or consented structures, site infrastructure, outdoor lighting, site accesses or the attendance of personnel on the application site. If this is the case and no site clearance is required to facilitate the proposals and no additional recreational pressure on the nearby Ancient Woodland site is likely as a result of the proposals, no concerns raised.

4.5 Highways: No Objection

- The LHA does not consider that this proposal would have an unacceptable impact on highway safety or result in 'severe' cumulative impacts on the operation of the highway network, therefore is not contrary to the National Planning Policy Framework (paragraph 109), and that there are no transport grounds to resist the proposal.

4.6 Natural England: No Objection

4.7 SDNPA Countryside and Policy Manager: No Objection

- Land management represents an important element of the social fabric and economy of the SDNP representing 1 in 10 jobs.
- The application provides an opportunity similarly to other local initiatives such as locally produced food.

- Timber framed buildings not only stimulate woodland management but also lock up carbon for the long term.
- Once the timber has been milled the activity is largely involving hand tools and light power tools. Quieter than other forms of forestry management or timber processing which require large machinery and chain saw use.
- The skills required to make timber frames has been part of the culture of the SDNP should be supported.
- Rural Enterprise linked to land management whereby the purposes of the National Park are delivered through the duty is one of the SDNPA priorities for support and engagement to ensure the SDNP has a diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park for the future.
- South Downs Partnership Management Plan (SDPMP) - This application is relevant and provides extensive opportunities to achieving the Outcomes and Priorities set out in SDPMP, see below:
 - **Outcome 2** ,2.2 Improve the resilience and quality and quantity of trees and woodlands in the National Park and ensure that the right tree is planted in the right place,
 - **Outcome 10**, 10.1 Strengthen and support sustainably managed land-based industries and local enterprise

4.8 **SDNPA Planning Policy and Thrive Teams: No objection.**

- The following priorities of the 2020-2025 South Downs Partnership Management Plan are particularly relevant to this proposal:
 - To protect and enhance the natural beauty and character of the National Park and seek environmental net-gain from any infrastructure projects
 - To provide high-quality outdoor learning opportunities as part of a locally relevant curriculum
 - To develop initiatives which enable local communities and individuals to improve health and wellbeing
 - To strengthen and support sustainably managed land-based industries and local enterprise
- The following Local Plan policies are relevant to this proposal:
 - Policy SD2: Ecosystem Services. The Ecosystem Services statement demonstrates how the application will have an overall positive impact on the ability of the environment to contribute goods and services.
 - Policy 25 Development Strategy: The site is located outside any settlement boundaries. However, it is clear that there is an essential need for a countryside location for this forestry enterprise in line with criterion 2(b) of the policy.
 - Policy SD23 Sustainable Tourism. The proposed hands-on training courses to teach traditional woodcraft of processing timber is clearly in line with the first criterion of the Policy in that it will provide opportunities for people to visit the National Park and enjoy a number of its special qualities i.e. tranquil and unspoilt places, a rich variety of wildlife and great opportunities for recreational activities and learning experiences.
 - Policy SD34: Sustaining the Local Economy. The proposal for the woodyard is one of the National Park's key sectors identified in criterion (a) of the policy namely forestry. The proposal also meets criterion (b) of the Policy as it relates to 'provisioning' services. It will support a rural supply chain for wood products in the National Park in line with criterion (c) of the Policy.

5. Representations

5.1 There have been 39 representations made to this application, (four of the parties have commented twice or more and so a total of 39 received from 31 parties). 23 representatives have made comments in objection to the proposal and 8 have made comments in support. A number of the representations make comments with regard to the representations submitted by others and the full representations can be viewed in full online. The comments made can be summarised as follows;

5.2 Objection

- Will not conserve, enhance, or provide enjoyment or understanding of the SDNP's special qualities.
- Impact on the tranquillity of the area.
- A commercial woodyard, even practising traditional crafts, does not necessarily promote the understanding and enjoyment of the SDNP, but it does conflict with the duty to promote the social well-being of the local community.
- Highway Impact – the surrounding road network is not suitable for large vehicles and the access to the site is inadequate.
- Air quality will be impacted by proposed vehicular movements.
- The transport frequency chart is misleading since it omits all the other vehicular journeys made.
- Will have a detrimental impact to walkers, cyclists, and riders from a nearby livery yard.
- Negative effect on the environment and public amenity. Associated noise and traffic increases will have a negative effect on both wildlife and local residents.
- There is no information about how the products are to be taken off-site and how imported wood would be bought onsite.
- Access to the north of the site subject to restrictive covenants and has an insufficient turning circle.
- Consent granted for the other uses of the site as granted by the planning Inspectorate was a temporary consent for 3 years.
- These proposals would constitute planning creep and result in manufacturing site by stealth.
- Will set a dangerous precedent for many other owners of woodlands in the vicinity.
- Concerns that this application will be the start of many more such application for this site.
- No detail about the scope of the proposed woodworking, how much, how often.
- There will be no way of enforcing any limits.
- No proven need for such a facility in woodland, there are numerous light industrial units far better suited for such a development in the local area.
- There would be no restriction proposed on the processing of timber than is imported onto the site.
- Six timber-framed structures a year may sound innocuous, but the reality is they could each be huge.
- The buildings permitted for the purposes of forestry under the General Permitted Development Order 2015 (as amended) cannot under planning law be used for any other purpose. Abuse of the Permitted Development Rights as they apply to forestry buildings to now permit the change of use of these unauthorised structures for non-forestry purposes.
- The site causes existing flooding in to Fyning Lane.
- Health and safety implications as the courses being currently held on site would be attended by members of the public and children who could be seriously hurt by the heavy plant and machinery.

- Concerns that nearest Hydrant to the proposed commercial area is 540 meters away.
- This new application has nothing to do with conservancy but solely financial gain.

5.3 Support

- This activity forms a critical element of the broad economy of the SDNP whereby employment is provided to local craftsmen using local and sustainable resources to achieve their greatest value whilst concurrently supporting the core objectives which led to the establishment of the park.
- The Park has an established tradition of promoting hand crafted locally sourced buildings and building materials.
- Embodied carbon that this building technique generates and the method of working in woodlands 'off grid' is a fraction of what conventional building practices deploy.
- Without these sorts of enterprises there is no hope in achieving governments sustainability 2030 targets and should be fully celebrated and embraced by Chichester District Council/ South Downs National Park
- Contact with artizans has helped us to learn more about woodcraft and we have been happy to have visitors to site who have been inspired by the shelter.
- Contributes to responsible woodland management in the National Park.
- Clear that they have no interest in working in a commercial way. Their work and craft is priority and close to their hearts.
- Artizans were able to create a bespoke frame using local craftsmen and locally sourced timber, all within the national park, was key criteria in selecting them. Strongly supportive of the work artizans do, and the woodyard is fundamental to the integrity of their work.
- The Authority should be supporting the small scale, local crafts people whose activity within the landscape is going to be important for the future of the built heritage within the National Park.
- Timber framing is a key skill for the care of the buildings within the park and highly skilled timber framers who operate in an environmentally friendly manner are also key to the management of the woodland landscape within the park.
- Represents a tradition which is a key part of the landscape, and enabling them to have a base whereby they can properly conduct their operations and also pass these skills on to the timber framers of the future is something that will benefit the Park and the people who live within it for years to come.
- It is important to us to be able to commission a building which uses and demonstrates the importance of using locally grown timber and to support local crafts people:
 - the materials are local and natural;
 - the harvesting of the timber supports the management of woodlands and in turn the biodiversity of woodland habitat and as such the protected landscapes of the National Park;
 - It supports local economic activity, jobs and skills;
 - It contributes to the viability of communities and inspires people to seek and find positive solution for sustainable living
 - It supports the purposes of the South Downs National Park and delivers on many of the aims and ambitions you set out in your own visions and plans
- Comments from objectors made regarding noise pollution are unfounded
- The operator uses wood obtained from local sustainable sources and have minimal impact on the land upon which the final structure sits
- Retention and passing on to younger generations of impressive woodworking skills, native to West Sussex must be encouraged and retained.

- These natural wood structures really enhance the National Park and Artizans of Wood should be praised and supported as West Sussex artisans, using sustainable local timber, and utilizing their creativity to the overall enhancement of the NP.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is South Downs Local Plan (2014-33). The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:
- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
 - To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, the first purpose will be given priority. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued in July 2018 and further amended in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed against the NPPF and are considered to be compliant with it.

The South Downs National Park Partnership Management Plan

- 6.5 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the application. The following policies are relevant:
- 1: Conserve and enhance natural beauty and special qualities of the landscape;
 - 3: Protect and enhance tranquillity and dark night skies;
 - 4: Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife;
 - 5: Conserve and enhance populations of priority species;
 - 13: Support the financial viability of farm businesses through appropriate infrastructure and diversification developments, in particular, encouraging those that will support sustainable farming;
 - 55: Promote opportunities for diversified economic activity in the National Park, in particular, where it enhances the special qualities.

Rogate and Rake Neighbourhood Development Plan (2017-2035)

- 6.6 The RRNDP is currently out for consultation. Based on the current stage of preparation, the Pre-Submission Neighbourhood Plan is currently afforded some limited weight. The following policies are relevant:
- NE1: Conserve, Protect and Enhance the Natural Environment
 - EW1: Supporting the Rural Economy
 - T1: Encouraging Sustainable Travel

- T2: Safety
- T3: Parking

7. Planning Policy

The South Downs National Park Local Plan (2014-33)

7.1 The following policies of the South Downs Local Plan are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD4: Landscape Character
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD19: Transport and Accessibility
- SD20 Walking, Cycling and Equestrian Routes
- SD22: Parking Provision
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD39 Agriculture and Forestry
- SD40: Farm and Forestry Diversification
- SD48: Climate Change and Sustainable Use of Resources
- SD54: Pollution and Air Quality

8. Planning Assessment

8.1 **The main considerations are:**

- Principle of Development
- Landscape and Visual Impact
- Biodiversity, Ecology and Ecosystem Services
- Impact on Surrounding Residential Amenities
- Highways, Access and Traffic
- Dark Night Skies

Principle of Development

8.2 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.

8.3 In submitting this application, the applicant seeks to support the permitted operations of the Woodyard and wider site through the low key production of timber frames and timber products, such as small rustic tables and benches. The applicant has previously produced these products onsite under the misconception that they were ancillary to the established lawful use of the site as commercial forestry. However, when in 2018 the applicant appealed to the Planning Inspectorate with regard to the previously refused recreational and educational uses of the site, the Planning Inspector found that the framing and making of timber products would not be ancillary to the commercial forestry use and so planning permission would be required. In making his determination of the other recreation and educational activities at the site, the Inspector found in the applicant's favour and allowed the appeal. Most notably he did not consider that the active use of the site would be detrimental to the tranquillity of the area.

- 8.4 The applicant is seeking through this application to make a maximum of six frames a year. In addition, rustic timber products on no more than 12 days per year from the processing of surplus and waste timber arising from the timber framing activity and from other consented activities, for the purpose of creating craft and other useful artefacts and handicrafts, such as rustic benches and tables.
- 8.5 An objector to the application has raised the concern that although 6 frames per year does sound innocuous, it could consist of a frame for a large timber house. This concern is noted and therefore it is considered necessary to explicitly condition the amount of deliveries proposed by the applicant in the submission documents in order to control the volumes of wood bought onto this site. It is recognised that, whilst this applicant may not wish to grow the woodyard significantly and work in a sustainable way, if the woodyard is subsequently sold to another operator, and not conditioned appropriately, the operation could have the potential to grow in scale. A use other than low key timber processing may not accord with the purposes of the National Park.
- 8.6 Objectors have also raised concerns that the proposal submitted involves the using of wood from outside the site. The applicant has advised that additional locally sourced wood is bought onto the site in addition to the onsite wood for the making of timber frames. This is sometimes due to the availability of wood at the site that the frame is being made for. The importation of wood can be controlled by a condition limiting the number of deliveries to the site and again is considered to be low key in terms of any impact on the amenities of the area.
- 8.7 There is also support for the operation from the SDNPA's Thrive team and Countryside and Policy Manager. Both consultees find that this level of low key activity maintains the landscape and is crucial to the South Downs National Park in terms of meeting its purposes and duty. The Countryside and Policy Manager considers that the application provides an opportunity similar to other local initiatives, such as locally produced food, and that the skills required to make timber frames has been part of the culture of the South Downs National Park (SDNP) for over a thousand years and is seen within traditional buildings throughout the SDNP and should be supported.
- 8.8 The applicant proposes to use the existing buildings that were constructed under prior notification approval for the forestry activities within the site. This is considered acceptable as the proposed use supports and not replaces this purpose for which the buildings were erected for, that being commercial forestry.
- 8.9 In terms of the principle of the proposal, it is considered that it accords with the purposes and duty of the National Park, as it assists to ensure that the SDNP has a diverse, sustainable, dynamic economy which is positively linked to the special qualities of the National Park for the future. It is further considered that the proposed activity is in accordance with the priorities of the South Downs Partnership Management Plan outcomes 2, 4 and 10 and South Downs Local Plan (SDLP) plan policies SD2, SD23, SD25 and SD34 and policy EW1 of the emerging Rogate and Rake Neighbourhood Development Plan (NDP).

Landscape and Visual impact

- 8.10 The environmental aspect of sustainable agricultural development requires the consideration of its landscape impact. As there are no new buildings proposed, the potential landscape impact of the proposals is with regard to the tranquillity of the landscape. In terms of assessing the impact of the proposals on tranquillity, it is necessary to assess the capacity of this landscape to accommodate the proposed use in terms of the degree of change that the use would cause.
- 8.11 To this regard it is considered that the degree of change is acceptable in landscape terms and that the low key use can be controlled through planning conditions to ensure that the operation remains an activity occurring alongside the commercial forestry use of the site, that contributes positively to conserve and enhance the National Park.

- 8.12 The proposal is set against an existing use of commercial forestry and recreation and educational uses and it is considered that the proposal compliments and enhances the existing established use of the site and as such is in accordance with policy SD04 of the SDLP, Outcome 2 of the South Downs Partnership Management Plan and the requirements of the emerging Rogate and Rake NDP in terms of the requirement to ensure that that tranquillity is maintained.

Biodiversity, Ecology and Ecosystem Services

- 8.13 The application is thorough in assessing the biodiversity and ecosystem services that it proposes to deliver. Many of the gains are through the support that the activity provides to the wider site and other consented uses. However, the sustainable methods of working and the use of local timber specifically accords with a number of the opportunities that can be delivered to provide Ecosystem Services from developments.
- 8.14 In terms of the impact on Ecology, no concerns are raised by the Ecology Consultee. The proposal will utilise the existing woodyard and no new buildings are proposed. The application is well supported by the ecological initiatives taking place across the wider site that this operation seeks to dovetail into them.
- 8.15 It is therefore concluded that the application will enhance the ecosystem services and biodiversity at the site and will accord with planning policies SD2 and SD9 of the South Downs Local Plan and Outcome 2 of the South Downs Partnership Management Plan.

Impact on Surrounding Residential Amenities

- 8.16 The social aspect of sustainable development requires that decision makers must take account of the impact of proposed development, amongst wider issues, on the amenities of the occupiers of surrounding dwellings. To this regard there has been a number of local residents who have raised concerns about the noise and activity from the site and the detriment that this will cause to their amenity and enjoyment of the National Park.
- 8.17 Accordingly, Environmental Health were consulted and visited the site to ensure an understanding of the operations proposed and the potential impact of the activity in terms of noise and neighbouring amenity. Following the submission of further information by the applicant in terms of assessing the noise of the tools proposed to be utilised in undertaking the work, the Environmental Health Officer was satisfied that the operation could be suitably controlled by planning condition in order to protect neighbouring amenity.
- 8.18 With regard to the disturbance caused by larger vehicles entering and leaving the site, it is considered that the vehicle movements as detailed within the submitted documents are very low in number, with just 6 deliveries of wood proposed a year and 12 exports of products a year. However, this can be conditioned explicitly to ensure that the commercial activity within the woodyard remains low key and in accordance with the purposes and duty of the National Park.
- 8.19 As such, after the issues of amenity have been investigated and carefully considered, it is concluded that, with appropriate planning conditions, the use is acceptable and will not be detrimental to the amenities of the occupiers of the adjacent residential dwellings to such an extent to warrant a refusal of the application. Therefore, that the proposal will accord with the requirements of policy SD5 of the South Downs Local Plan.

Highways, Access and Traffic

- 8.20 The Highway Authority raised initial concerns regarding the information submitted with the application. They considered that it was insufficient information to conclude that the scheme would not have an adverse impact.
- 8.21 Following the submission of the additional information, the Highway Authority have confirmed that they have no objection to the level of vehicles, the use of Fyning Lane as the proposed access and the level of on-site turning.
- 8.22 In terms of the traffic levels, those proposed are very low and so long as they are explicitly conditioned it is considered that the proposed operation will accord with the requirements of policies SD4, SD5 and SD19 of the south downs local plan.

Dark night skies

- 8.23 The site is within the Dark Sky Core. Policy SD08 of the South Downs Local Plan requires that development does not harm the quality of dark night skies of the National Park, for the benefit of people and outdoor lighting already approved. Therefore, it is not considered that this additional activity within the site will conflict with policy SD9 of the South Downs Local Plan.

9. Conclusion

- 9.1 Given the above, it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted. The scheme supports the current activities within the site and does not compromise the conservation and biodiversity enhancements that the site delivers. It is therefore recommended that planning permission is granted.

10. Reason for Recommendation

- 10.1 The application is recommended for approval subject to the following conditions;

Timescale

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

3. The site shall be operated in accordance with the vehicle numbers as detailed on page 2 of the submitted Response to the Highways Consultee dated 24th August 2020 and the vehicle movements therein. There shall be no more than 6 timber trailer loads of wood delivered to the site annually and no more than 12 timber trailer loads leaving the site annually.

Reason: To protect the amenity of the area

Noise

4. All operations and deliveries shall be conducted between 07.30 and 18.30 hours, Monday to Friday. No activity associated with this development shall take place at any other time or at any time on Saturday, Sundays and Bank Holidays (except by express permission in writing from the South Downs National Park Planning Authority).

Reason: To protect noise levels in the environment and ensure the use of the site

5. The rating level of sound emitted from all plant, machinery and equipment installed or operated in connection with the carrying out of this permission shall not exceed background sound levels by more than 5 dB(A) during the operational hours identified in condition 4. (taken as a 1 hour LA90 at any sound sensitive premises). All measurements shall be made in accordance with the methodology of BS4142 (2014) (Methods for rating and assessing industrial and commercial sound) and/or its subsequent amendments. Where access to the nearest sound sensitive property is not possible, measurements shall be undertaken at an appropriate surrogate location and corrected to establish the noise levels at the nearest sound sensitive property. Any deviations from the LA90 time interval stipulated above shall be agreed in writing with the local planning authority. In the absence of any relevant noise measurements at this site it is assumed to be a quiet location where background levels (1 hour LA90) are typically around 35dB by day and

25dB at night (23.00 - 07.00), with residual levels being around 40dB by day and 30dB at night.

Reason: To protect noise levels in the environment and ensure the use of the site

6. Operations permitted by the planning permission shall be limited to the shaping, cutting and testing of joints in timber so that it may be later used off-site on up to 6 timber-framed structures per year; and the processing of small rustic timber products such as tables and benches on up to 12 days per year.

Reason: To protect noise levels in the environment and ensure the use of the site.

Informatives

Locally Sourced Materials

1. The SDNPA encourages the use of locally sourced materials to support local character and distinctiveness, and to reduce the costs both financially and environmentally of transporting materials long distances. The applicant is recommended to undertake a resource mapping exercise for materials, starting within a 5km radius of their site, and then 10km, 25km.

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Heather Lealan

Tel: 01730 819363

email: heather.lealan@southdowns.gov.uk

Appendices

1. Site Location Map
2. Appeal Decision APP/Y9507/C/18/3199595 & APP/Y9507/W/18/3194790

SDNPA Consultees Legal Services, Development Manager

Background Documents <https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>
[National Planning Policy Framework \(2019\)](#)
[South Downs Local Plan \(2014-33\)](#)
[South Downs National Park Partnership Management Plan 2014](#)
[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)

Site Location Map



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Appeal Decisions

Inquiry Held on 9 April and 28 October – 31 October 2019

Site visits made on 9 April and 31 October 2019

by Simon Hand MA

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 November 2019

Appeal A: APP/Y9507/C/18/3199595

Laundry Cottage, Dangstein, Rogate, Petersfield, West Sussex, GU31 5BZ

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Dangstein Conservancy against an enforcement notice issued by South Downs National Park Authority.
 - The enforcement notice, reference RG/36, was issued on 26 February 2018.
 - The breach of planning control as alleged in the notice is without planning permission, change of use of the land to a mixed use for leisure, education and training purposes and for the production of timber products.
 - The requirements of the notice are (i) cease the use of the land for the mixed use for leisure, education and training purposes and for the production of timber products; (ii) remove the imported timber from the Land; (iii) remove from the land, the touring caravan, awnings/tents and archery equipment including (but not limited to) targets, target markers, ornamental figurines of animals, plastic protective sheeting covers, bows, arrows, tables, chairs and two portable toilets; (iv) dismantle the wooden kitchen structure/building, the raised decking, the wooden compost toilet building and the wooden scout hut structure, (in the approximate positions shown on the attached plan) and remove the resulting debris from the Land; and (v) remove from the land all wooden tables, chairs, work surfaces, benches and the clay oven.
 - The period for compliance with the requirements is 3 months.
 - The appeal is proceeding on the grounds set out in section 174(2) (a), (b), (c), (d), (f) and (g) of the Town and Country Planning Act 1990 as amended.
-

Appeal B: APP/Y9507/W/18/3194790

Laundry Cottage, Dangstein, Rogate, Petersfield, West Sussex, GU31 5BZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dangstein Conservancy against the decision of South Downs National Park Authority.
 - The application Ref SDNP/17/03623/FUL, dated 16 July 2017, was refused by notice dated 19 December 2017.
 - The development proposed is the continued use of land for forestry and woodland management, and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities.
-

Decisions**Appeal A - 3199595**

1. It is directed that the enforcement notice be corrected by adding into the allegation the word "forestry," between "for" and "leisure"; varied by deleting requirement (ii) altogether and by deleting the words "the touring caravan" from requirement (iii) and "and the wooden scout hut structure" from requirement (iv). Subject to these corrections and variations the appeal is dismissed and the enforcement notice is upheld, and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B - 3194790

2. The appeal is allowed and planning permission is granted for the continued use of land for forestry and woodland management, and use of land for recreation, education for life-long learning and tourism. The provision of 4 camping pitches and the erection of 4 overnight shelters, a community shelter, composting toilet and washroom. Replacement visitor parking area and new footpath between proposed parking area and facilities at Laundry Cottage, Dangstein, Rogate, Petersfield, West Sussex, GU31 5BZ, in accordance with the terms of the application, Ref SDNP/17/03623/FUL, dated 16 July 2017, subject to the conditions contained in the "Conditions Annex" below.

Preliminary Matters

3. At the inquiry a number of matters were agreed. Firstly the appellant accepted that Chichester District Council had proper authorisation to issue enforcement notices on behalf of the South Downs National Park Authority and so did not pursue their invalidity argument.
4. The LDC that had been issued for the archery use had been successfully challenged by local residents and the certificate had been quashed. Several days before the Inquiry opened the Council redetermined the LDC and refused the application. The appellant indicated he would be likely to appeal that decision. As a consequence, for the appeals before me, the archery is not lawful and is included in the mixed use alleged in the notice and permission is sought for it as the "recreation" element of the s78 appeal. As the ground (d) would be for the mixed use as alleged, the appellant agreed to withdraw this ground, as they only wished to contest the archery element and this would be more appropriately done as an appeal against the LDC. The Council confirmed that if this current appeal were lost and the notice upheld it would not, of itself, prevent the issue of an LDC solely for archery, should the evidence suggest that was lawful.
5. The appellant also withdrew the ground (c) appeal and confirmed the ground (b) appeal related solely to the question of forestry related activities, and the ground (f) appeal related to the issue of whether the Council should have asked for a reduction in activity rather than a cessation.
6. The Council for its part accepted the notice should be corrected to include "forestry" within the mix of uses enforced against. This is correct as the description of the mixed use should include all the elements, even those that do not require planning permission. The Council also asked me to delete the phrase "touring caravan" from requirement (iii) as they accepted it was not

expedient to enforce against it; and to delete “and the wooden scout hut structure” from requirement (iv) as that had only ever been a temporary structure and was long gone. The appellant was content with these corrections which do not cause injustice to any parties.

Appeal A – The Appeal on Ground (b)

7. The appellant argues that the production of timber products included in the allegation are ancillary to the lawful forestry use of the land. It was common ground between the parties that forestry assumed more than just growing and felling trees. A certain amount of work could be done to the trees, once felled, to turn them into a marketable product, the dispute arose as to exactly what work had been carried out on site and whether that amounted to a process that went beyond an ancillary forestry activity.
8. I should say first of all that this is not a straightforward issue. It seemed to be accepted by the Council that once felled a tree could be cut into logs, and those logs cut into planks and also, if necessary, stripped of their bark. This would still produce raw timber that would then be transported off-site to be sold or worked on further to turn it into an actual product such as fence posts, bus shelters or other wooden structures. However, the simple cutting of small branches into lengths creates products such as bean poles or pea sticks but this would clearly still be an ancillary activity. Similarly the stripped branches of a certain size could be finished fence posts, without any further ‘processing’. It seems to me it is the degree of processing that is important.
9. Some help is provided by the Court of Appeal judgement in Millington¹¹. In that case the appellant was growing grapes and turning them into wine on the premises. Although not coming to a definitive view the court strongly suggested that the production of wine was “ordinarily incidental to” or “consequential on” the growing of grapes. The Council argued there were two main differences between grapes and trees, one that grapes were solely grown in order to produce wine or juice and so wine production was consequential to grape growing, and secondly that wood products required finishing by skilled artisans which grapes don’t. I don’t think either of these arguments are particularly good. It was pointed out by the appellant’s forestry expert that trees are a crop, like any other, and in a properly managed woodland they are harvested through coppicing or felling like any other crop. The production of wood products is just as consequential for a wood as wine is for grapes. Similarly to suggest little skill or artistry goes into producing wine would almost certainly elicit a violent response in Bordeaux or Burgundy, and simply isn’t true.
10. However, I would not like to push the Millington example too far, or it could become an excuse to allow all sorts of production to go on at a forestry site. The key issue is whether the production is genuinely incidental/ancillary, or does it amount to a separate activity and that must turn on the amount as well as the details of the activity. The most important phrase from Millington is “consequential on”. What the appellant has done on site is fell and coppice trees, cut the results up into logs of various sizes, turn some into planks and strip some of their bark. All of this is ancillary. Also, some products have been created that involve minimal extra work, such as fence posts, bean poles, pea sticks and so on. These too, because of the minimal amount of ‘processing’,

¹¹ Millington v SSE & Shrewsbury and Atcham BC [1999] EWCA Civ 1682

count as ancillary. The creation of a fully finished bus shelter is clearly a manufacturing process, albeit one carried out by artisans with hand tools. Making bus shelters is not consequential on forestry. However, this was only carried out once, when a number of shelters were made for a local Parish Council. Apparently, they could not be built on the roadside as there was nowhere safe to do so, hence they were assembled in the timber yard and moved by lorry to their final sites. I have no doubt the 'Artizans of Wood' who operate the timber yard for the Conservancy had no idea it was unlawful to do so, but they soon found out as it caused a considerable "hoo hah" locally.

11. Finally, one of the outputs of the yard is pre-cut timber to make wooden framed buildings to order. The timber is cut to length and jointed in the yard, by laying out each frame on a framing bed. The frames are then disassembled and taken to their final site and erected. This is the usual process for the bus shelters, except in the case above where there was no safe room for final assembly on the roadside. While this is not a volume activity, it would seem to be something carried out regularly if not often. It involves considerable added value and processing of the raw timber to create an artefact, that is then essentially taken in kit form to a site and erected. This goes beyond processing of timber to make it marketable but is part of the creation of a product itself and would not seem to me to be ancillary to forestry, but a separate and potentially commercial process.
12. The appellant referred to an appeal decision at Hillyfield² in Dartmoor, which, they claim, provided guidance as to what might constitute a timber product. This is only an appeal decision and so is not binding but is nevertheless helpful. The appeals were complex and there was some discussion as to what took place on the site, but essentially the Inspector determined that prior approval was not required for a drying shed or storage barn. It followed that the activities on the site were all ancillary to forestry. These activities comprised the sale of milled timber planks, coppiced wood for firewood, rocket logs (a one log bonfire), timber for wood pellets and fence posts, gates and tree stakes. These latter items (fences, gates and stakes) were for use on the holding. I have no doubt all of this is ancillary to forestry and is similar to the forestry activities being carried out at Dangstein. I note future activities might include charcoal production and coppice craft products, but the Inspector makes no determination whether these would be ancillary or not, and indeed, the question of ancillary activities is only approached somewhat tangentially as it does not seem to have been central to the outcome of the appeal. I do not see how this decision helps the appellant as all the activities seem to be squarely within any reasonable view as to what would be ancillary to forestry, which is not the case in this appeal.
13. A list of products was provided by the appellant in his response to a PCN request in May 2016, but I am happy to read that as the sorts of things that might be made from the wood once it had been prepared at the yard and sold off-site, rather than a description of items made at the yard. The appellant and Mr Walker of Artizans of Wood, explained they had never made any besoms, baskets, laths, etc. Mr Walker had had a go at splitting chestnut for shakes but decided against taking this any further. It was agreed that the occasional imports of wood from other nearby woodlands where they did not have the means to process it, for the sort of ancillary processing described above was

² APP/J9497/W/15/3140928 & 3168180 Issued May 2018

lawful and there is no evidence of wood being imported in any quantity for educational purposes. In some of those cases Mr Walker had made an occasional simple bench or table out of a tree trunk and given it as a form of gift in return for the original tree, and also to take to a fete to display leaflets on and then leave there as a gift. He estimated about five overall. He also made some post and rail fencing for another outdoor charity in the area. In my view these activities, the bench, table and fencing, fall into a grey area between ancillary and not. Had these been the only examples of product making then I would have considered them to be *de minimis*, and probably quite typical of any managed woodland. But taken along with the framing and bus shelters, it adds up to a low level creation of timber products that go beyond what is ancillary to the lawful forestry activities.

14. It would seem to me therefore that timber products are produced on site, albeit at a fairly low level, and so the appeal on ground (b) fails.

Appeal B and Ground (a) from Appeal A

15. As the Council pointed out, the appellant does not really want planning permission for what he has been doing on the land (the ground (a) of Appeal A) but wants planning permission for what he proposes to do (the s78 Appeal B). This would seem to be true, as he accepts the current facilities for the archery are scruffy and unsightly, while the wooden kitchen, shelter and toilets were only ever meant to be temporary. No attempt has been made to argue that these are acceptable and should be granted planning permission. However, the notice also requires the imported wood to be removed, whereas it seems the Council accepted the import of wood, as long as it was for ancillary purposes, was lawful. I have found the framing and small scale bench, table and fencing production not to be ancillary. I assume the appellant would still like this low level activity to be allowed but it is not included within the s78 appeal. It is a small part of the mixed use in the ground (a), but that mixed use as a whole cannot succeed for the reasons given above. This is therefore a separate matter that the appellant will have to pursue with a s78 application. However, the evidence I have suggests this is a low level of activity which if it stays at that level should not be a cause for concern.

The site and the appeal proposals

16. The s78 appeal essentially seeks to bring together the disparate elements of the activities that have already taken place or, in the case of the archery, are on-going at the site. The site comprises a generous 11ha of wood and heathland and is roughly rectangular. The site is bounded by Dangstein Lane to the north, where the main access is taken and Fynings Lane to the west, where there is a subsidiary access used by the timber yard. To the east is the drive to Garden cottage and beyond that Dangstein House, which used to be the centre of a large estate, of which the appeal site was but a small part. To the south is open farmland and Home Farm and livery, with a number of small commercial units in the farmyard. Fynings Lane serves the hamlet of Terwick Common which lies beyond the site to the west, and a straggle of dwellings that finish at the junction of the Lane with the timber yard access. At this junction is a telephone box and another small lane that leads to several houses in the woods to the southwest of the site, as well as a builder's yard which is visible from the timber yard access track. In other words this is not an isolated site but sits in a wider landscape that seemed to me to be typical of much of

this area of the National Park where houses and small scale businesses are scattered through the woods and fields.

17. Within the site towards the southwestern end, the timber yard lies close to the Fynings Lane access with Laundry Cottages, where the appellant lives, nearby. This dwelling is adjacent to but outside the appeal site. The main access from Dangstein Lane is shared with Garden cottage and then turns west into the northern part of the site to a small car park, where the archery equipment is also stored. This is quite close to Garden cottage and is a source of nuisance to the residents of that cottage. Further into the centre of the site is the heathland area with the camp kitchen and toilets. Beyond these to the south and east is more woodland and to the east the heathland slopes down towards a wooded lane that leads down to Laundry Cottages and beyond the lane towards the eastern boundary is an ancient trackway within a recognised site of ancient woodland. This trackway leads back up to the car park. It is separated from Garden cottage and Dangstein House by steep wooded slopes with a thick laurel hedge along the top, where there is also the substantial remains of the Victorian rubbish dump, which is slowly being removed by the appellant.
18. It is proposed to move the car park further into the site, away from Garden cottage, and remove altogether the archery storage. The camp kitchen and toilets will be replaced by a purpose built wooden community hut, which will also provide storage and shelter for the archers, along with compost toilets. The central heathland area will thus become the focus for a number of activities, and four wooden overnight shelters will be constructed along its northern and western margins, while four rough camping pitches will be provided in a stand of trees to the south.
19. The activities proposed fall into a number of categories. Life Long Learning comprises three types of activity. A forest school or similar woodcraft type educational activity will take place on a maximum of four weekdays a week. Eight residential courses will be held every year from 2 to 4 days each, mostly over a weekend, but possibly sometimes in the week. These will cover woodland management and traditional woodcrafting skills such as roundpole framing. Thirdly there will be four evening events, possibly one per season, focussing on dark sky astronomy, story-telling and folk tales. In addition it is intended to hold a one-off event every year, described as a 'annual conservancy gathering and community outreach event'. This would be an overnight festival. The second category is low impact tourism, which consists of the four overnight shelters and four rough camping pitches. The third is the archery which would take place only on the weekends.

Policy and Issues

20. The SDNP local plan was adopted in July this year and now forms the development plan. It was agreed the references to the saved local plan should be ignored and the two main policies where there is alleged conflict are SD4, which deals with landscape character and SD7, which deals with relative tranquillity. Although there was some discussion about sections 2-5 of SD4 in my view they are not engaged. Section 2 deals with designed landscapes, which is not the case here. Section 3 deals with settlement patterns and the integrity of open land between settlements, again not at issue. Section 4 deals with blue and green corridors. These are defined elsewhere in the plan and the

do not affect the site. Section 5 supports the restoration of degraded landscape features. This is relevant only in that the Conservancy is gradually restoring the health of the ancient woodland, which is clearly a positive benefit.

21. The issues with SD4 therefore are limited to 1(a)-(c). 1(a), the Council say the proposal is not informed by the landscape character, 1(b) they say the design, layout and scale of the proposal would actively harm the landscape and 1(c) they say the experiential and amenity qualities of the landscape would be undermined. There is no dispute about planting, which forms 1(d).
22. SD7 permits proposals where they conserve or enhance the relative tranquillity of the site. There is a need to consider direct visual and aural impacts and indirect impacts on areas remote from the appeal site.
23. Although the Council were not directly concerned with neighbours' amenity, making the judgement that it would not be harmed, local residents had considerable misgivings. No policies were brought to my attention that specifically deal with residential amenity, but I take it that as neighbouring dwellings are embedded in the landscape, harm to the "experiential and amenity qualities of the landscape" would encompass local residents' amenity as would harm to tranquillity.
24. I think it is fair to say that given limits on the numbers of people attending these various events (16 at the forest school, 12 on the residential course, 36 on the evening event, 16 campers and 32 archers), none of these on their own cause difficulties for the Council, but it is the cumulative effects that are of concern. I will discuss third party concerns later. Therefore the main issues are whether the cumulative impacts would harm the character and tranquillity of the National Park and the amenities of neighbouring residents.
25. I shall discuss the impact on tranquillity under SD7. The harm to SD4 is mainly centred on the use of the site and its impact specifically on the heathland, but also on the wider ecology of the site; and the harm caused by traffic and the proposed numbers of people to the experiential and amenity qualities of the landscape.

SD4 - Landscape

26. The Council were primarily concerned with the vagueness of the proposals and the lack of both a zoning plan and a Landscape and Ecological Management Plan (LEMP). Their landscape witness was concerned that there was insufficient evidence to be certain the proposals could be satisfactorily accommodated on the site. In fact she went further to suggest conditions would not solve the problem because there was a potential that no satisfactory solution could be found. The Council more generally were concerned that none of the limitations suggested by the appellant were enforceable. I think it was generally accepted that an untrammelled consent could well be harmful to the landscape, ecology and tranquillity and that is certainly my view. Therefore the first issue is to determine whether the proposed activities can be effectively limited by condition and if they can, would they, at that level, be harmful?
27. The conditions suggested would restrict the various activities by numbers and times and to a certain maximum number of events. A log of events should be kept enabling the Council to check that the maximum numbers were being adhered to. By restricting numbers, traffic movements would also be

effectively limited. I do not share the Council's concerns that this would be impossibly onerous to enforce. If it is brought to the Council's attention that the forest school is using the site every day, or there are regular night time activities beyond the numbers allowed, that should be fairly easy to check, especially as the appellant is obliged to keep a record. These sorts of conditions are not unusual and I think the alleged complexity is more apparent than real.

28. The conditions limiting the number of camping pitches, overnight structures and their occupation are also typical and should present no problem. There is no reason why a site management plan or a LEMP should not be drawn up once planning permission has been granted but before activities re-commence. The other conditions on accesses, splays, noise, lighting etc are all standard and present no problems. In my view the conditions should be enforceable, but if I am wrong the temporary 3 years proposed would enable that to be discovered and the permission need not be renewed. Consequently, I consider the main issue is whether, as restricted, the proposed uses cause harm.
29. The table below shows the matrix of uses, and I have included in that the various concessions made during the discussion of conditions.

Life-Long Learning			Low-impact tourism	Recreation
Day activities, forest school etc	Residential courses	Seasonal evening events	X4 overnight shelters & x4 tent pitches	Field archery
4 weekdays per week	8 courses per year, 4 days each	4 evenings per year	Any time	One day at the weekend (apart from disabled archery)
07:00-18:00	07:00-18:00 then overnight	19:00 – 23:00	overnight	09:00-18:00
Maximum 16 persons	Maximum 12 persons	Maximum 36 persons	Likely to be 2 persons per pitch	Maximum 32 persons

30. The busiest activity is the forest school-type activity, but 16 children four days a week is not excessive, especially given the size of the site. This activity will be largely confined to the centre of the woodland, where the site is predominantly heathland so the impact outside the site would be very limited. I agree that many parents are likely to car share, so traffic numbers are, in reality, likely to be less than the maximum feared. The residential course will only happen 8 times a year so possibly once a month during the better weather. These are limited to 12 people and would take place within the woodland or the timber yard. Not everyone will stay in the campsite or the shelters, but some will, so the traffic generation over the weekend will be modest.

31. The four evening events will be larger scale affairs, with up to 36 people between 7pm and 11pm. This is unlikely to produce 36 separate vehicle movements, but even so, would be noticeably busier than I should imagine the roads are on a typical evening in the area. Add in the two day 'festival' and that is five busy evenings. However, in terms of local amenity issues, five times a year is not excessive.
32. The tourism use is pretty low key. The eight pitches, including the four shelters, are all within the centre of the site and their use by people who enjoy wild camping should not cause any issues. The appellant suggested from his own experience that occupancy rates would be likely to be around 40%. There was no actual evidence either way, but that would not seem an unduly low figure to me. While I am not entirely convinced by the appellant's view that campers would be so interested in the woodland activities they would be unlikely to leave the site once there, I agree that the sort of people attracted to this managed woodland camp with very limited facilities would not be typical tourists and are likely to generate less car travel once there than at a more commercial campsite.
33. The archery is a daytime use and restricted to one day on the weekend only and to a maximum of 36 participants. Disabled archery could take two days, but this is likely to be a very small overall component.
34. One of the key issues is that none of the courses or educational activities would overlap and nearly all the activities, except perhaps for the camping are events, so that visitors turn up once in the day and leave once. For the vast majority of the time there should be very little disturbance beyond the site at all. It does not seem to me therefore that there should be much if any harm to residential amenity.
35. The activities will all take place within the site. Much of this is woodland and there was no suggestion that any harm would be caused to the woods. The area in the centre of the site is now mostly heathland, which is in the process of being restored by the Conservancy. The community shelter will be on the edge of this area and so will the camping plots and overnight shelters. The forest school-type activity will also be generally based here. New paths will be created to allow access, especially for wheelchair users to the car park. There was concern that the level of activity proposed would damage the fragile heathland environment. I was reassured by the fact that numbers are proposed to be low and walking across the heath, which is made up predominantly of heather, gorse and bracken is not easy. I think the vision of tens of children charging about trampling everything underfoot is unlikely to come to pass. However, the appellant's ecology expert also advised that while the ecosystem of heathland may be fragile this came not from people walking on it, which was to be welcomed, but from invasive species being allowed to get out of control.
36. The appellant has a heathland management plan and an ecology appraisal which sets out how to manage the landscape so that visitors do not harm the ecology of the area. Given the evidence I heard at the inquiry I have no reason to consider these are inadequate in any way.
37. Zoning of the activities to make sure the archery is kept away from the campsite etc can be secured through conditions. I saw nothing that suggested this would prove to be difficult, especially given the size of the site.

38. The Council's landscape witness, Kate Collins was concerned at the loss of mystery and tranquillity. I shall deal with tranquillity below, but here I note she accepted the site was not remote and not always quiet. Ms Collins concerns about the structures and their impact seemed to be limited to those currently on site, which will be removed, and she had no argument against the new community shelter and structures.
39. She also agreed that the cumulative effects of the proposals were of primary concern, especially as it did not seem they could be controlled by conditions. I do not share her fears about conditions and in my view the cumulative effects will not be great. There will be no overlapping of events and while at any one time one part of the site might be busy others will remain unaffected. I also do not share her view that the proposed site management plan and LEMP have to be agreed before planning permission is granted. No explanation was given as to what the feared shortfall might be other than the generalised concern about cumulative impacts. I am also aware that this is a commercial woodland with no public access, other than that encouraged by the landowner. Any sense of mystery within the site would be for Mr Cox and his family only and he is happy to see this diminished in order to open up the woodland to more people. I do not think there should be any great impact on people living outside the site apart from some car movements at certain limited times of the day. Therefore the impact on the character of the landscape in its wider setting will be minimal.
40. The amenity and experiential qualities of the landscape will be enhanced as many more people will be able to experience the woodland and to learn about it without unacceptably degrading its essential qualities. I also note the National Park strongly encourages the sorts of activities that are proposed here. In my view therefore the proposals are in line with policy SD4.

SD7 - Tranquillity

41. The National Park has a tranquillity map which divides the park area into squares and scores each one for tranquillity. The tranquillity scores show relative tranquillity and range from -123 to +113. Each square is slightly bigger than the site itself, and the site occupies the corners of four squares. The site lies predominantly in an area just above 0, the main squares score +0.4 and +1.3. A third square scores -6.9 and the fourth is +14.2. These scores are undoubtedly useful for revealing relative tranquillity, but do not tell one much about how quiet it actually is. The very tops of the Downs, where there are no roads or settlements score in the 100s and centres of villages and towns score in the minus 100s, so the site is really very average. In fact it seemed quiet to me on my two site visits. There was passing aeroplane noise and several cars used the two lanes, but with no forestry activity going on one could hear birdsong and tree leaves rustling most of the time.
42. SD7 requires development to "*conserve and enhance relative tranquillity*", although I think this must mean "conserve or enhance", otherwise the "conserve" element would be unnecessary. It goes in SD7(2) to say that in intermediate tranquillity areas, which is where the site lies, development should "*conserve and enhance, and not cause harm to relative tranquillity*". It is difficult to imagine any development proposal that would increase peace and quiet so "tranquillity" in this sense is more than just noise, but, is, as 5.52 of the Plan explains much wider, encompassing a feeling of peace, quality of life,

a perceptual quality of the landscape, influenced by both what people see and hear.

43. Thus it would seem the woodland friendly activities such as forest schools and roundpole making courses are positive, but the associated vehicle movements, disturbance and visual clutter would be negative. Ms Collins was concerned with the current visual clutter of the site, but this would be cleared away so enhancing tranquillity. She again accepted it was the cumulative impact of the proposals that was of most concern and that this was not a deeply tranquil area, but as an edge site was highly vulnerable. This is only partly true. Tranquillity scores increase to the north of the site and decrease to the south west, but the highest score on the map which shows the immediate surroundings is +17.8, which, with a maximum of 113 is still not that tranquil.
44. Looking at the factors in determining the tranquillity scores, there are 44 factors in all, and most would be unaffected by the proposal, those that would be are more people and non-natural sounds. These might cause some downgrading of the tranquillity scores in the two main boxes containing the site, but the site would seem to have the capacity to absorb much of the potential noise from children or from the residential courses, which should have little impact on the tranquillity outside the site. I have discussed cumulative impacts above and concluded they have been exaggerated by the Council. In my view there should be little impact on overall tranquillity in this part of the National Park and it should therefore be conserved. Policy SD7 is not, in my reading of it, contravened.

Third party concerns

45. Local residents have expressed considerable concern about the proposed uses but it follows from my reasoning above that I consider their concerns are misplaced. With suitable controls in place there should be no harm to amenity or the woodland. It seems to me the residents fears largely stem from an abrupt change in activity that occurred when the appellant took over the wood and began to actively manage it as well as to introduce some of the uses discussed above. It is my understanding that before his ownership, the woodland was effectively unused and left to become overgrown. Locals would have heard little for years on end except perhaps for some occasional archery use which used to take place across the wider estate before it was sold off in parcels. When Mr Cox took over, he began with a significant thinning project, which was noisy and involved numerous large lorries visiting the site to remove timber. The archery use began again involving the installation of portaloos, the bus shelters were constructed on site, again involving a large lorry to remove them, and the final straw seems to have been the 'cosmic tribe' event.
46. However, much of this activity was lawful and many of the issues concerning the local residents seem to stem from the management of the woodland, which has required a lot of work to begin to return it to a useful state. The management of woodland is something supported by the National Park, as it is both economically and ecologically preferable to allowing non-natural woods to decay. I can quite understand why local residents have been somewhat shocked by what has been going on but given that this is now an actively managed woodland it is inevitable there is going to be more activity and disturbance than there was before. A wood of this size is difficult to manage economically without adding value from other activities, such as those

proposed here. With suitable safeguards in place they should not harm local amenity, albeit, there will be more activity and more comings and goings than when nothing was happening.

47. I am also aware that a number of witnesses were not called by the appellant as their evidence was not disputed by the Council. These were largely concerned to explain the positive benefits that accrue from the various activities proposed such as the forest school, the residential woodland courses and the active management of the woodland. Benefits both to the participants and the landscape itself. These are all important and should be given appropriate weight. Had I found there would be some loss of tranquillity, such that the proposal was contrary to SD7, that would have been outweighed by these positive benefits.

Conclusions

48. The second purpose of a National Park is to promote opportunities for the understanding and enjoyment of its special qualities, and this should be pursued as long as there is no conflict with the first purpose of conserving and enhancing natural beauty, wildlife and cultural heritage. In my view the activities proposed by the appellant fit into both purposes, wildlife and cultural heritage will be enhanced and opportunities for the understanding and enjoyment of its special qualities will be promoted. There should be no conflict with the conservation of the Park's natural beauty so the proposals are in accord with the purposes of the National Park. It follows there is no conflict with paragraph 172 of the NPPF and I have concluded above that there is no conflict with policies SD4 and SD7 of the South Downs Local Plan, nor harm to the amenities of local residents. I shall allow the s78 appeal subject to the conditions discussed above.
49. As to the enforcement appeal, ground (b) failed and planning permission should not be granted for the development alleged in the notice. The ground (f) was essentially that a low level of activity could safely be carried out on the site, but that has been overtaken by the grant of planning permission for the s78 appeal. The ground (g) is similarly rendered irrelevant. I shall therefore dismiss the enforcement appeal and uphold the notice. This will be overridden insofar as it conflicts with the planning permission granted by Appeal B. But it will require the scruffy archery equipment, tents, storage and portaloos to be removed as well as the temporary camp kitchen, compost toilets and so on. These will all be replaced by the structures granted permission by Appeal B. I shall remove from the requirements the need to remove the imported timber as it was agreed this was not unlawful.
50. The only area of future activity that is not covered by the s78 appeal that I assume would wish to be pursued by the appellant is the low level production of wood products, such as the timber frames. This is a separate matter he will need to discuss with the Council.

Simon Hand

Inspector

APPEARANCES

FOR THE APPELLANT:

Rajkiran Barhey – of counsel
She called

Paddy Cox – appellant
Dylan Walker – Artizans of Wood
James Shorten – forestry planning
Tony Whitbread – woodland ecologist
Ian Ellis – planning agent

FOR THE LOCAL PLANNING AUTHORITY:

Gwion Lewis – of counsel
He called

Kate Collins – landscape
Shona Archer – enforcement
Heather Lealan - planning

INTERESTED PERSONS:

Mollie McMillan
David Campion
Nick Jacobs
Julie Yardley

DOCUMENTS

- 1 Council's openings
- 2 SDNP policies
- 3 Statement of Common Ground
- 4 Appellant's closings
- 5 Council's closings

Conditions Annex

- 1) The uses hereby permitted shall be for a limited period being the period of 3 years from the date of this decision. On or before that date the structures hereby permitted shall be removed and the uses hereby permitted shall be discontinued and the land restored to its former condition in accordance with a scheme of work that shall first have been submitted to and approved in writing by the local planning authority.
- 2) The development hereby permitted shall be carried out strictly in accordance with the approved plans listed below:
 - Location Plan (no number)
 - Block Plan drawing no. 4745
 - Woodland shelter floor plan DC001
 - Woodland shelter south & east elevations DC002
 - Woodland shelter west & north elevations DC003
 - Washroom and composting loo floor plan DC004
 - Washroom east & north elevations DC005
 - Composting loo south & west elevations DC006
 - Community shelter section DC008
 - Community shelter section DC009
 - Community shelter north & south elevations DC10
 - Community shelter east & west elevations DC11
 - Community shelter floor plan DC12
 - Composting loo and washroom elevations 13
 - Community shelter floor plan DC12 with water butts added
 - Site elevations artist impression plan DC13
 - Site elevations artist impression DC14
 - Woodland shelter floor plan with rainwater harvesting added DC001
 - Washroom and composting loo floor plan with rainwater harvesting added DC004
 - Site plan with added note drawing no. 4775
 - Existing sightlines drawing no. 4999
- 3) The educational and recreational uses of the site shall be limited to the following activities and for no other uses whatsoever which may fall within Use Classes D1 and D2 as stated in the Use Classes Order 2015 (as amended or revoked and re-enacted):
 - a) No more than 4 educational day courses of up to 16 students in connection with the understanding of the natural environment and outdoor skills per week between Mon-Friday and 7am-6pm.
 - b) No more than 8 residential educational courses of up to 12 students in connection with the understanding of the natural environment and outdoor skills lasting up to 4 days in any calendar year.

c) No more than 4 evening educational events of up to 36 students between 7pm - 11 pm in any calendar year.

d) No more than 1 annual event which is related to the approved activities above shall take place in any calendar year. Such event shall last no more than 2 days.

e) Field archery shall only take place on one day during weekends and between the hours of 9am - 6pm only. The only exception to this restriction is archery involving disabled archers which may take place on both weekend days between the hours of 9am – 6pm only. The maximum number of archers allowed on the site at any one time shall be 32.

A record of the educational courses, training and activities held on site shall be maintained and kept up-to-date and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made).

- 4) The 4 shelters hereby approved shall only be used for holiday accommodation or in connection with the residential educational and training courses only and for no other purpose (including any other purpose in Class C3 of the Town and Country Planning (Use Classes) Order 2015 (as amended or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order).
- 5) The holiday accommodation and camping pitches hereby approved shall not be occupied by any person, group or their dependants, for a period of more than 14 days in any twelve month period. A register of the occupancy of the lodges shall be maintained and kept up-to-date by the operator of the units and shall be made available to the Local Planning Authority upon request (within 14 days of a written request being made). It shall record the names and addresses of all visitors and their arrival and departures dates.
- 6) In the event that the tourist accommodation use on the site ceases, the 4 shelters as specified in Block Plan 4745 hereby permitted shall be removed and the land restored to its former condition.
- 7) The camping use hereby approved shall be limited to a maximum of 4 pitches in the area shown on Block Plan 4745.
- 8) Notwithstanding the provisions of Schedule 2 part 4 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended or revoked and re-enacted the same) the use of the site for any temporary purpose which is not specified in this permission shall not be undertaken.
- 9) No external loudspeakers, public address/tannoy systems shall be used on the site at any time other than for the annual event described at condition 3(d) above and then not beyond 11 pm or before 9.00am on either day.
- 10) A Site Management Plan shall be submitted to and approved in writing by the Local Planning Authority prior to any activity, as specified in condition 3, taking place, which shall include (but not limited to) the following:
 - a) Site management in respect of noise and visitor activities such as barbeques, pets and amplified music.

- b) A Waste Management Plan identifying all waste streams and confirming how waste shall be collected, stored and disposed of.
- c) Car parking for the 1 annual social event

The Site Management Plan shall be implemented in accordance with the approved details and adhered to in the operation of the development hereby approved, unless otherwise agreed in writing by the Local Planning Authority.

- 11) Prior to any activity, as specified in condition 3, taking place, a Landscape and Ecological Management Plan (LEMP) for the entire site shall be submitted to and approved in writing by the Local Planning Authority. The details of the Heathland Management Plan (dated July 2017) shall be incorporated into the LEMP. The development and all activities shall subsequently proceed in accordance with any such approved details.
- 12) Development and all activities shall proceed in accordance with the measures set out in Section 5 of the submitted Preliminary Ecological Appraisal (PEA) (Scotty Dodd, May 2016); Section 4 of the Addendum to PEA report (Scotty Dodd, June 2017); Section 4 of the badger survey report (Scotty Dodd, June 2017); and the submitted Heathland Management Plan Update (CJH Agri-Environment Consultants Ltd, July 2017), with features and management approaches retained and maintained as described.
- 13) Prior to any activity, as specified in condition 3, taking place, a detailed Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by the Local Planning Authority. The details shall be in accordance with the submitted ecological reports and shall set out measures to avoid impacts, including pollution prevention and encroachment of working or storage areas, on ancient woodland habitats, priority habitats and notable/protected species. The development and any activities shall be subsequently implemented in accordance with the approved details.
- 14) The use of the site shall strictly accord with the following access arrangements:
 - a) The means of public access to the development shall be from Dangstein Road only.
 - b) The access from Fyning Lane shall only be used for the purpose of forestry activities on site.
- 15) Prior to any activity, as specified in condition 3, taking place, the approved car park and passing bay shall have been completed in accordance with the approved plans and brought into use. The parking shall thereafter be used and retained exclusively for its designated purpose at all times.
- 16) Visibility splays of 2.4m x 50m to the west and 2.4m x 64m to the east at the Dangstein Lane access, shall be provided in accordance with approved Plan no.4999 and kept free of all obstructions over a height of 0.6m above the adjoining carriageway level.
- 17) Prior to any activity, as specified in condition 3, taking place, the applicant shall submit for the written approval of the Local Planning Authority a Travel Plan Statement in accordance with the aims and

objectives the National Planning Policy Framework and West Sussex County Council guidance on Travel Plans. The Applicant shall then implement the approved Travel Plan Statement and thereafter maintain and develop the Statement in a manner to be agreed by the Local Planning Authority.

- 18) The development and activities hereby approved shall be undertaken strictly in accordance with the lighting details in the Lighting Assessment.
- 19) The existing composting toilet, communal shelter and its ancillary structures shall be demolished and cleared from the land prior to the approved structures being brought into use.

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Agenda Item 8
Report PC20/21-25

Report to	Planning Committee
Date	10 December 2020
By	Director of Planning
Local Authority	Winchester City Council
Application Number	SDNP/19/06035/FUL
Applicant	Mr & Mrs M Morton
Application	Proposed Agricultural Grain Store, Agricultural Building and Associated Infrastructure (Inclusive of Hardstanding, Attenuation Pond and Landscaping)
Address	Land South West of Woodcote Manor Cottages, Petersfield Road, Bramdean

Recommendation:

That planning permission be granted subject to the conditions set out in paragraph 10.1 of the report and that it be delegated to the Director of Planning to consider and add additional conditions that may be required once further details are submitted with regard to noise mitigation.

Executive Summary

The applicant seeks permission to erect two new barns to support the farming operation. It is proposed, through the erection of an agricultural grain store, agricultural building and associated infrastructure, that the farming operation can be carried out more effectively. Furthermore, the development will facilitate the concentration of grain storage for surrounding farms.

The main issues relevant to the determination of this application are considered to be:

- Principle of Development and Agricultural Justification
- Landscape and Visual Impact
- Impact on Listed Buildings and Heritage Assets
- Drainage and Water Environment
- Biodiversity, Ecology and Ecosystem Services
- Sustainable Construction
- Impact on Surrounding Residential Amenities
- Highways, Access and Traffic
- Public Rights of Way
- Dark Night Skies
- Archaeology

The report concludes that the scheme will provide for the efficient operating of Bramdean Farm and surrounding farms. To this regard it is considered that the submitted application has demonstrated that the proposals will not cause an unacceptable detrimental impact and that the identified benefits to the farming operation are supported by the requirements of policy SD39 and other relevant policies of the South Downs Local Plan and the South Downs Partnership Management Plan.

The application is placed before Members due to the scale of the proposal and significant third party representations.

I. Site Description

- I.1 The application site is located approximately 500m south-east of Bramdean village. The site is situated on the south side of the A272 and consists of some 2.36 hectares of arable farming land. Access to the site is via a wide field track with existing bellmouth. This field track is identified as the Bramdean and Hinton Ampner Footpath 17. The current access and track leads to an existing agricultural building to the north of the site and the surrounding agricultural fields. The land rises from the north to the south within the site, from the A272 that sits towards the base of the valley.
- I.2 The site of the proposed two agricultural buildings and associated landscaping is currently open agricultural fields and there are no buildings currently located on the site. Residential properties known as Woodcote Manor Cottages are located 160m to the east, north of the A272. An existing hedgerow with protected Copper Beech trees separates the site from the A272.
- I.3 The farming enterprise covers a total of 1,222 ha. of which 210 hectares is owned by the Applicant and the rest is rented or contracted. All of the land falls within the South Downs National Park.
- I.4 The existing Bramdean Farm comprises the following buildings and structures:
 - Traditional barn used as a machinery store/workshop/fertiliser store, and
 - 2,000t grain storage in silos and on floor with a continuous flow drying and cleaning facility.

2. Relevant Planning History

- 2.1 The following planning history is relevant to the application site:
 - SDNP/18/03404/FUL Proposed Agricultural Grain Store, Agricultural Building and Associated Infrastructure. Permission refused. 20th December 2018. The reasons for refusal can be summarised as follows:
 1. *The proposal constitutes major development in a National Park, for which planning permission should only be granted in exceptional circumstances. The need for the development within the National Park has not been adequately demonstrated in accordance with paragraph 172 of the National Planning Policy Framework.*
 2. *The proposed development, by virtue of its siting, scale and design would not be of an exemplary standard of design which would make a positive contribution to the character and appearance of the area in regard to the visual amenities of the National Park.*
 3. *The proposed development would negatively affect the public right of way network due to the increase in vehicles using the public right of way. The additional traffic would pose a safety concern and would increase levels of dust, air and noise pollution.*
 4. *Insufficient information has been provided to demonstrate that the proposals incorporate a satisfactory means of managing ground and surface water pollution associated with the proposed development.*
 5. *It has not been demonstrated that the development would not pose a risk to highway safety.*
 - SDNP/19/01382/APNB - General purpose agricultural building, steel framed portal span construction with single central apex and twin pitched roof. It was determined that prior approval was required. It was considered that from the information supplied it had not been demonstrated that the proposed barn would be acceptable in terms of its size, siting and visual impact to the area. As such, the applicant is seeking to address these concerns with the application subject to this report, seeking full planning consent for an amended scheme with supporting justification to address the reason of the previously refused scheme in 2018.

3. Proposal

- 3.1 The development proposed consists of an agricultural grain store, agricultural building and associated infrastructure (inclusive of hardstanding, attenuation pond and landscaping).
- 3.2 The proposed development includes a total of circa 4,190sqm GIA of new floorspace, comprising the following:
- Building 1: Proposed grain store (use class: agriculture): To measure 73.50m (length) x 35.00m (depth), equating to circa 2,573 sqm GIA of floorspace.
 - Building 2: Proposed general storage building (use class: agriculture): To measure 73.50m (length) x 22.00m (depth), equating to circa 1,617 sqm GIA of floorspace.
- 3.3 It is proposed that the general storage building would be subdivided to provide covered and safe storage space for farm machinery, equipment/spare parts and fertiliser; a store for grain on a temporary basis (with cooling facility), and for small crops (with drying floor); and a rest area, including welfare facilities for staff.
- 3.4 To support the application in terms of providing Ecosystem Services gains and drainage capacity, an attenuation pond is proposed with supporting habitat to be provided through suitable planting enhancements.
- 3.5 The applicant has sought to justify within the submitted documents, in particular the Planning Statement and Agricultural Holdings Analysis that the application is required in order for the farm to remain sustainable and viable in the longer term. It seeks to demonstrate that the Applicant's ability to remain so is significantly constrained by the existing buildings at Bramdean Farm which it is claimed are not fit for purpose and cannot be adapted to be fit for purpose. The application documents state that the buildings are too small, are in poor and declining condition, and that there is insufficient turning and circulation space in the yard for larger farm vehicles and machinery, as well as significant safety concerns. Furthermore, that there is no additional land available to expand at the existing farmstead and therefore this application has been submitted seeking approval for an alternative site for purpose-built storage buildings.
- 3.6 The proposed site has been identified by the applicant as being the most suitable solution having regard to land ownership and operational efficiencies. The application is supported by a Landscape Visual Impact Assessment.

4. Consultations

4.1 Bramdean & Hinton Ampner Parish Council: Comments:

- The Parish Council's original concerns related to water management and highway safety. The issue of water management appears to have been addressed on 30th March 2020 by the requirement to condition any approval subject to detailed proposals and the highway safety issues have been covered by the applicant in the revised transport plan dated June 2020. If its holding objection is to be set aside, the Parish Council must request clarification of Highways' response to the above updated plan and confirmation as to whether the points raised in their letter dated 12th March 2020 have been resolved. The issue is less about numbers of vehicle movements (which will possibly be the same as from the present site) but more about the safety of access to and from the site.
- Case Officer Comment - following the submission of updated highway information, the Highway Consultee has now removed their highway objection with regard to the use of the access and HCC PROW team have removed their objection, both subject to planning conditions.

4.2 Archaeology: No Objection.

- No objection subject to conditions.

4.3 Conservation Officer: Comments

- Conservation Officer commented from a desk top analysis, that the scheme was some distance from the adjacent listed building and the farm development as proposed was usual in its setting, subject to appropriate materials being used.

4.4 Ecology: No Objection

- No objection subject to conditions with regard to compliance with submitted ecology details and lighting. The River Itchen SAC and SSSI is located 3km west of this development. There are not considered to be any likely significant effects of this proposal on the integrity of the River Itchen SAC, SSSI or any other designated nature conservation sites.

4.5 Environmental Health: Holding Objection

- The noise assessment was made to determine whether there will be an increase in noise from road traffic reflecting off the proposed structures. The proposed barn will be used for grain drying operations. Such operations regularly occur during the night and the plant and machinery involved can be noisy. As there are residential dwellings in close proximity to the proposed buildings, I would expect a full acoustic assessment of the operation of the grain dryers at night to demonstrate that there will be no adverse noise impact at the nearest noise sensitive receptors. Until the applicant can demonstrate that there will be no adverse noise impact, I recommend that this application be refused
- Case Officer Comment- Having spoken to the EHO for clarification, the Consultee has confirmed that unacceptable levels of noise from the grain dryer should be capable of being mitigated against but, until the noise levels are known, a condition for noise level control cannot be finalised. The Applicant is aware of this matter and is undertaking these works.

4.6 Environment Agency: No Objection

4.7 Highways: No Objection

- The updated access proposals have been reviewed by HCC's engineering team. The existing access is onto the A272, which at this point is national speed limit. The submitted plans show that the required visibility of 2.4 x 215m can be achieved and this has been checked on site.

4.8 Design and Sustainable Construction: No Objection

- A grain store is not something that could be assessed by BREEAM, assuming such a building will not be heated, so an energy calculation for the building's use is not relevant. In such a case the applicant should be looking for opportunities for e.g. efficient lighting (LEDs) and if applicable green roof/PV. The use of local timber ('Grown in Britain' certified, or failing that FSC construction or cladding), all subject to what is appropriate in design terms. Suggest sustainable design report be conditioned.

4.9 Landscape: No Objection

- No objection following further information and clarification by the applicant, subject to following conditions:
 - Tree Protection Plan and Arboricultural Method Statement due to proximity to beech trees that are iconic along the 272.
 - Landscape and Ecological Management Plan.
 - Standard soft and hard landscaping details.
 - Material for building and roof. Would expect something along the lines of concrete base, timber cladding and a cement fibreboard roof.

4.10 Tree Officer: No Objection

- No objection subject to compliance with the submitted Arboricultural Method Statement.

4.11 **Planning Policy: No Objection**

- Generally, the submission is very clear and takes care to address each of the policy criteria in turn. No objection following the submission further information and clarification by the applicant with regard to the Ecosystem Services Statement.

4.12 **Rights of Way: No Objection**

- No objection following accordance with the submitted amended plan showing post and rail mitigation, in so long as users would still have rights to use the whole 12ft width path as described in the definitive statement.

4.13 **Drainage Engineer: No Objection.**

- Satisfied for drainage details to be finalised through the proposed condition.

5. **Representations**

- 5.1 There have been 12 representations made to this application, (two of the parties have commented twice and so a total of 12 received from 10 parties). 5 representatives have made comments in objection to the proposal and 4 have made comments of support. There has been one representation that makes general comments. The comments made can be summarise as follows;

Objection

- Proposals constitute major development for the purposes of paragraph 172 of the NPPF for which there is insufficient justification from the applicant and exceptional test not met. Countryside location should prohibit further development, not in accordance with policy SD25 of SDLP.
- Impact of increase in farm traffic as the proposal will result in lorries and tractors access the site from a wide area.
- Noise, the grain dryer will be working day and night.
- Increase in air pollution from increase in traffic and dust from grain processing.
- The buildings will detrimentally impact the view from surrounding residential properties.
- Will increase the risk of flooding within the area.
- The current farmyard is within a 30 mph zone, whereas the proposed site is within a 60mph one on a section well known for aggressive overtaking.
- HCC's Highways approval is conditional on the reduction of the existing hedgerows and non TPO trees to a 1 metre height for a 215 metre section by the proposed site along the A272. Resulting in loss of vegetation that will enhance visibility of industrial buildings, incongruous within landscape.
- Proposals will harm the heritage significance of Grade II* listed Woodcote Manor and cause less than substantial harm to the Grade II listed gardens and cottage at Woodcote Manor.
- Detrimental impact to users of the PROW in terms of safety and amenity.
- Colour of the proposed buildings would appear incongruous within the landscape.
- Impact on the avenue of Copper Beeches, scheme has potential to impact how these trees are perceived.
- Out of character with local area and will be observed when travelling along A272.
- Will not conserve the landscape of the National Park by virtue of it being out of character and scale within its landscape setting.
- The need for new agricultural building has not been demonstrated as required by policy SD39 of SDLP.

South Downs Society - Objection

- Proposals constitute a very large and major development for the purposes of paragraph 172 of the NPPF for which there is insufficient justification from the applicant.
- Highway Impact with regard to the safe use of the access.
- Negative impact on the amenities of the users of the PROW due to safety, dust, noise and air pollution.
- Adverse impact on landscape and visual amenities of the SDNP due to siting, scale and design.
- Insufficient information to demonstrate effective ground and surface water management and pollution.
- Does not conserve trees, woodland and hedgerows including adjacent copper beach trees.

The South Downs Society submitted a further objection following the withdrawal of the Highway objection to state that they didn't consider that the changes to the scheme had overcome their objection and the required visibility splays would result in the buildings being more visible to the detriment of the landscape and not in accordance with policies SD4, SD5 and SD6 of the South Downs Local Plan.

South Downs Network – Objection

- Small Farm and no justification for such large buildings.
- Not in the public Interest - As per NPPF paragraph 172, there are no exceptional circumstances and nor is it in the public interest which would justify permission being granted.
- Would not conserve and enhance the landscape character and key views.
- Ignores the existence of wonderful copper beech trees along the northern boundary of the site.
- The application does not comply with development management policy SD39: Agriculture and Forestry. No audit has been carried out to prove that this is the only site available within the 3000-acre farm. Further, this application does not comply with items (a) to (f) of policy SD39.

Support

- The agricultural industry has to move with the times, regardless of the small impact that this proposal will have on the SDNP.
- The country needs to look to national production, rather than relying on imports.
- This would keep more of the 40 tonne HGV's off the small country lanes trying to service smaller farms that could benefit from this proposal.
- Proposal will provide grain drying and storage facilities that will benefit several farming businesses in the Bramdean area.
- Will assist forward thinking professional food producers, with a proven track record, develop their businesses for the long term greater good.

The National Farmers Union - Support

- The existing facilities used by the farm are no longer fit for purpose.
- The operational efficiency of this farm is an absolutely fundamental issue during the current political climate.
- The application is made for entirely genuine operational reasons by a well-established business seeking to secure the ongoing viability of their enterprise in the years ahead.

6. Planning Policy Context

- 6.1 Applications must be determined in accordance with the Development Plan unless material considerations indicate otherwise. The relevant statutory development plan is South Downs Local Plan (2014-33). The relevant policies are set out in section 7 below.

National Park Purposes

- 6.2 The two statutory purposes of the SDNP designation are:

- To conserve and enhance the natural beauty, wildlife and cultural heritage of their areas;
- To promote opportunities for the public understanding and enjoyment of the special qualities of their areas.

If there is a conflict between these two purposes, conservation takes precedence. There is also a duty to foster the economic and social wellbeing of the local community in pursuit of these purposes.

National Planning Policy Framework and Circular 2010

- 6.3 Government policy relating to National Parks is set out in English National Parks and the Broads: UK Government Vision and Circular 2010 and the revised National Planning Policy Framework (NPPF) issued in July 2018 and further amended in February 2019. The Circular and NPPF confirm that National Parks have the highest status of protection, and the NPPF states at paragraph 172 that great weight should be given to conserving and enhancing landscape and scenic beauty in national parks and that the conservation and enhancement of wildlife and cultural heritage are also important considerations and should be given great weight in National Parks.

Relationship of the Development Plan to the NPPF and Circular 2010

- 6.4 The development plan policies listed below have been assessed against the NPPF and are considered to be compliant with it.

Statutory Requirements

- 6.5 The Planning (Listed Buildings and Conservation Areas) Act 1990 places a series of duties on planning authorities when determining planning applications for planning permission that may affect listed buildings or their setting.
- 6.6 Section 66 (1) states that 'in considering whether to grant planning permission for development which affects a listed building or its setting the local planning authority 'shall have special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses'

The South Downs National Park Partnership Management Plan

- 6.7 The South Downs National Park Partnership Management Plan 2020-25 is a material consideration in the determination of the application. The following policies are relevant:

- 1: Conserve and enhance natural beauty and special qualities of the landscape;
- 3: Protect and enhance tranquillity and dark night skies;
- 4: Create more, bigger, better-managed and connected areas of habitat in and around the National Park, which deliver multiple benefits for people and wildlife;
- 5: Conserve and enhance populations of priority species;
- 9: The significance of the historic environment is protected from harm, new discoveries are sought and opportunities to reveal its significance are exploited;
- 13: Support the financial viability of farm businesses through appropriate infrastructure and diversification developments, in particular, encouraging those that will support sustainable farming;
- 55: Promote opportunities for diversified economic activity in the National Park, in particular, where it enhances the special qualities.

Bramdean and Hinton Ampner Village Design Statement

6.8 The Bramdean and Hinton Ampner Village Design Statement, whilst not part of the development plan for the National Park, is a material consideration when assessing planning applications within this location. The relevant considerations that must be considered when assessing the acceptability of the proposals are;

- The character of Bramdean should be preserved by the positive management of hedgerows and woodlands, including pollarding and planting.
- The open views of the countryside as seen from the A272 should be maintained by restricting development which would cut off the existing long views to the ridges on either side of the valley.
- Footpaths and sign posting should be maintained and reinstated, where necessary.
- Agricultural buildings, silos, telecommunication masts etc. should be carefully designed and located, to avoid intruding on the beauty of the landscape.
- The rural character of all roads should be maintained i.e. no kerbs
- or street lighting, and no additional roadside pull-ins.

7. Planning Policy

The South Downs National Park Local Plan (2014-33)

7.1 The following policies of the South Downs Local Plan are relevant:

- SD1: Sustainable Development
- SD2: Ecosystems Services
- SD3 Major Development
- SD4: Landscape Character
- SD5: Design
- SD6: Safeguarding Views
- SD7: Relative Tranquillity
- SD8: Dark Night Skies
- SD9: Biodiversity and Geodiversity
- SD11: Trees, Woodland and Hedgerows
- SD12: Historic Environment
- SD13: Listed Buildings
- SD15: Conservation Areas
- SD16: Archaeology
- SD17: Protection of the Water Environment
- SD19: Transport and Accessibility
- SD20 Walking, Cycling and Equestrian Routes
- SD21: Public Realm, Highway Design and Public Art
- SD25: Development Strategy
- SD34: Sustaining the Local Economy
- SD39 Agriculture and Forestry
- SD48: Climate Change and Sustainable Use of Resources
- SD49: Flood Risk Management
- SD50: Sustainable Drainage Systems
- SD51: Renewable Energy
- SD54: Pollution and Air Quality
- SD55: Contaminated Land

8. Planning Assessment

Major Development

- 8.1 Determining whether proposals are major development in terms of paragraph 172 of the National Planning Policy Framework (NPPF) is a matter of planning judgement to be decided by the decision maker, based on all the circumstances relevant to the proposals and the context of the application site.
- 8.2 When previously considering an application in 2018 for a similar scheme, the Officer took a view that, due to the scale and nature of the proposed development, that it would constitute major development within the National Park.
- 8.3 Paragraph 172 of the NPPF (2018) and South Downs Local Plan (SDLP) policy SD3: Major Development state that planning permission will be refused for major developments in National Parks except in exceptional circumstances, and where it can be demonstrated they are in the public interest. Determining whether proposals are major development in terms of paragraph 172 of the NPPF is a matter of planning judgement to be decided by the decision maker, based on all the circumstances relevant to the proposals and the context of the application site. Counsel's advice to the SDNPA by James Maurici QC in 2014 recommended a framework of principles and criteria derived from case law, guidance and appeal decisions for officers to use in their judgement of this question as follows (in no order of importance):
- a) The definition in the Town and Country Planning (Development Management Procedure) Order (DMPO) 2015
 - b) Whether the development falls within Schedule 2 of the EIA Assessment regulations and whether it would be EIA development.
 - c) Any development which has the potential to have a serious adverse impact on the natural beauty, recreational opportunities, wildlife and cultural heritage of the National Park by reason of its scale, character or nature.
 - d) Consider the application in its local context.
 - e) Whether the application requires the submission of an assessment of the likely traffic, health, retail implications of the proposals.
 - f) Whether the development can be described as 'major' taking into consideration the ordinary meaning of the word.
- 8.4 As such, it is necessary to consider the current scheme and the evidence submitted along with it to the SDNPA with regard to the above criteria. On points a) - f) above, it is only the first test which describes the development as major. The more qualitative and contextual tests combine to form a different conclusion. The proposed development within this scheme is within a landscape where there are other farm buildings of similar design. They are clearly related to the physical and functional form and evolution of the farm. The application required few specialist assessment documents or formal Environmental Impact Assessment. Impacts can be assessed through the usual examination of the submitted information, as follows in the next sections of this report.
- 8.5 It is therefore concluded that the development is not major development for the purposes of paragraph 172 of the NPPF. Accordingly, exceptional circumstances do not need to be demonstrated. However, a considered examination of the need for and effect of the proposals is required in accordance with applicable planning policies and practice, as follows.
- 8.6 Therefore, the main considerations are:
- Principle of Development and Agricultural Justification
 - Landscape and Visual Impact
 - Impact on Listed Buildings and Heritage Assets
 - Drainage and Water Environment
 - Biodiversity, Ecology and Ecosystem Services

- Sustainable Construction
- Impact on Surrounding Residential Amenities
- Highways, Access and Traffic
- Public Rights of Way
- Dark Night Skies
- Archaeology

Principle of Development and Agricultural Justification

- 8.7 The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. There are three dimensions to sustainable development: economic, social and environmental.
- 8.8 The farm's primary business is that of growing conventional arable crops and herbage seed. The objective of this proposal for two new barns is to re-site the current farm building facilities to a new location on the farm in order to provide appropriate facilities for modern farming techniques and machinery. The applicant within their submission states that the existing farm yard, being located further along the A272 towards the main village is inadequate for their current needs by being located on a restricted area with inadequate turning areas and lorry loading facilities, resulting in the site being unsustainable. Furthermore, that there are third party rights of access across the farmyard that create major health and safety issues and an increased accident risk. Finally, that the current inadequate facilities are restricting the business and are preventing it from tendering competitively to farm more land, leading to a loss of business opportunities and impacting the sustainable future of the business.
- 8.9 To this regard, the proposal is considered to be capable of compliance with policy SD39 (Agriculture and Forestry) of the South Downs Local Plan (SDLP). This policy supports sustainable development and proposals for new agricultural buildings where there is a need and when appropriate measures have been undertaken to ensure development does not have an adverse impact on the locality. Policy SD25, (Development Strategy), allows for development outside of the settlement boundary when there is an essential need for a countryside location. Supporting farming, recognising the value of farming in landscape management is part of the general thrust of the Local Plan.
- 8.10 In support of the economic sustainability of the proposal, an Agricultural Holding Analysis has been submitted with this application to demonstrate the principle of the development and the need. The submitted Statement considers the limitations of the buildings and concludes the business needs premises that are fit for purpose in the current modern agricultural world and that opportunities to expand have been curtailed by not being able to offer adequate and proper facilities. It concludes that the options for other locations have been considered, (this is supported by the submitted LVIA), and that the proposed site has been selected as being suitable to meet the agricultural requirements whilst having the minimal landscape impact.
- 8.11 It is considered that this proposal is acceptable and it is acknowledged that the landscape of the South Downs has been shaped by traditional farming over many generations, and that the farming continues to contribute to the landscape character, biodiversity and ecosystem services intrinsic to the National Park. Policy 13 of the South Downs Partnership Management Plan (2020-25) (SDPMP) states the SDNPA's support for the financial viability business through appropriate infrastructure.
- 8.12 In summary, it is concluded through assessment of the application documents submitted that there is justification for the proposal and that there is overarching policy support for the principle of the proposed buildings.

Landscape and Visual impact

- 8.13 The environmental aspect of sustainable agricultural development requires the consideration of its landscape impact. The proposed barns have two main visual impacts; those of distant views and those closer to.

- 8.14 Policy SD04, (Landscape Character) supports development that is informed by landscape character, that conserves and enhances the existing landscape features which contribute to the distinctive character, pattern and evolution of the landscape; and safeguards the experiential and amenity qualities of the landscape. Policy SD05, (Design), supports the development that demonstrates landscape-led design approach and respects local character. Proposals should both integrate with, respect and sympathetically complement character and utilise architectural design which is appropriate and sympathetic to its setting. Proposals should also incorporate hard and soft landscape treatment which takes opportunities to connect wider landscaper and enhance green infrastructure. Policy SD06 (Safeguarding Views) supports development that conserves and enhances views from publically accessible areas within, into and out from settlements which contribute to the viewers' enjoyment of the National Park, and views from public rights of way, open access land and other publically accessible areas.
- 8.15 In regard to the development proposed, the applicant entered into pre-application discussions to seek officer advice on reducing the impact of the previously refused scheme both close to and distant views. The changes in the layout of the scheme that have evolved from pre-application discussions demonstrate the understanding by the applicant of the need to approach any future proposal as a landscape led scheme.
- 8.16 Accordingly, a Landscape Visual Impact Assessment (LVIA) has been submitted to support the landscape led approach to the development now taken and to show that other sites have been considered in terms of selecting the most appropriate site for the development proposed. One of the key changes in layout from the scheme previously refused is that it now forms two smaller barns rather than one single large barn and the buildings now work with the natural topography of the land; thus a sense of perspective and balance within the landscape is achieved.
- 8.17 The applicant, on the advice of the Landscape Officer, is no longer attempting to hide the buildings behind incongruous earth bunding and vegetation that would themselves create greater harm within the Landscape. These buildings are now set within the landscape as part of the expected form and structures that sit within and support farming within the National Park.
- 8.18 It is considered that the current choice of material, in particular the chosen colour of Juniper Green for the elevations, is not in accordance with the surrounding vernacular that is expected within this locality and therefore, notwithstanding the submitted information, it should be conditioned the materials are submitted and approved prior to commencement. The LVIA has also been informed by the Bramdean and Hinton Ampner Village Design Statement, (VDS), (April 2001), adopted as Supplementary Planning Guidance. The VDS requires that the open views of the countryside, as seen from the A272, should be maintained by restricting development which would cut off the existing long views to the ridges on either side of the valley. Accordingly, the proposed buildings are located at the bottom of the valley adjacent to the A272 and the existing tree screen. It is considered that this siting will avoid cutting off long views and that the buildings will sit comfortably and with consideration of the VDS and policies SD4 and SD6 of the SDLP.
- 8.19 Officer concerns were also raised with regard to the impact of the widened access required for highway safety and visual amenity. To address this the applicant has ensured that the change to the access is very modest and toned down the original engineering specification. The initial specification included raised kerbs which have now been omitted in preference to level kerbs which will allow vegetation to grow over, which in turn would allow a soft edge between the access and the verge area beyond. The analysis as agreed by Highways Consultee has also allowed the access to remain as narrow as it can thus balance highway safety and landscape impact acceptably. These changes are in better accordance with the requirements of the VDS and the Roads in the South Downs (2015), in terms of the maintaining the rural character of the road and access point as much as possible. It is not considered that the low level of vegetation that will be required to be removed will impact views of the proposed buildings to the detriment of visual amenities and furthermore, the required sightlines will not impact any of the protected adjacent Copper Beech trees.

- 8.20 To ensure an acceptable development is achieved onsite, all planting and hard surfacing proposed must be considered in detail through the submission of information to address landscape conditions and should be managed in the future through the submission of an acceptable Landscape and Ecological Management Plan, (LEMP). In summary, it is concluded that the development is acceptable in terms of design and landscape impact and accords with the relevant policies and considerations of the SDLP and the VDS.

Impact on listed buildings and heritage assets

- 8.21 To the north of the site lies the Grade II* listed Woodcote Manor, a designated Heritage Asset of the highest level. Woodcote Manor sits within listed grounds along with the Grade II listed Gardener's Cottage.
- 8.22 There is a special duty of care when considering applications within the setting of listed buildings and this has been undertaken within the consideration of this application. The submitted LVIA has considered the impact on the Heritage Assets and conclude that there will not be harm.
- 8.23 The Case Officer consulted the SDNPA Conservation Officer and he commented that the scheme was some distance from the adjacent listed building and that the farm development as proposed was usual in its setting, subject to appropriate materials being used.
- 8.24 Furthermore, this application has been submitted to overcome the reasons for refusal on the 2018 scheme and it is worthy of note that the impact on the Heritage Asset did not form a previous reason for refusal.
- 8.25 Special regard has been taken of the weighted balance of the impact on the listed building and it has been concluded that the siting of the development in terms of the landscape within which it sits and its intended use would not cause harm to the setting of the listed buildings in terms of the views from and to the buildings and the listed grounds. Accordingly, it is considered that the proposed scheme accords with policy SD12 (historic environment) and part 16 of the NPPF.

Drainage and Water Environment

- 8.26 The site is in Flood Zone 1 and is at very low risk of flooding. The land drainage engineer considers that detailed proposals for the disposal of surface water could be controlled through conditions. The consultee was satisfied with the additional details submitted with regard to the proposed infiltration pond. The infiltration pond and drainage strategy has been designed in response to the previous reason for refusal of the 2018 application that insufficient information had been submitted to understand that there would be a satisfactory means of managing ground and surface water pollution associated with the proposed development.
- 8.27 Policies SD49, (Flood Risk Management), SD17, (Protection of the Water Environment) and SD55 (Contaminated Land) are engaged for the proposed development at this site. The superficial geology beneath this site is clay, silt, sand and gravel and the bedrock is the Newhaven and Seaford Chalk Formations. The Environment Agency have raised no objection to this application.

Biodiversity, Ecology and Ecosystem Services

- 8.28 Paragraph 175 of the NPPF requires that if significant harm is brought to biodiversity resulting from development that cannot be avoided, mitigated or compensated for, planning permission will be refused. Policy SD09 (Biodiversity and Geodiversity) of the SDLP goes further and requires that biodiversity is enhanced. The application as submitted was supported by a Preliminary Ecological Appraisal that identified further bat surveys were required. It is considered that so long as the recommendations of the survey works undertaken and are adhered to, then the scheme is acceptable in regard to the impact to ecology. The further enhancements required to biodiversity are considered within the submitted Ecosystem Services Statement.
- 8.29 Part 118 of the NPPF draws attention to the duty to protect the natural environment and to the opportunities for its enhancement. The relevant policy of the SDLP is SD02 (Ecosystem

Services). SD02 states that development proposals will be permitted where they have an overall positive impact on the ability of the natural environment to contribute to goods and services. It is considered that the scheme demonstrates direct public goods from land management and provides for the creation of further habitats. Other biodiversity benefits include, bird and bat boxes, flowering plant species.

- 8.30 In summary, with suitably worded conditions, it is considered that this proposal in line with paragraph 170 of the NPPF and policies SD49, SD17 and SD55 of the SDLP with regard to impact of the scheme on the water environment. Biodiversity, Ecology and Ecosystem Services

Sustainable Construction

- 8.31 The proposed scheme must meet the requirement of policy SD48, Climate Change and Sustainable Use of Resources. The applicant has been made aware of the need for this matter to be addressed through a pre-commencement planning condition. The condition must require that a sustainable design statement is submitted prior to commencement to ensure compliance with policy SD48 of the SDLP.

Impact on Surrounding Residential Amenities

- 8.32 The social aspect of sustainable development requires that decision makers must take account of the impact of proposed development, amongst wider issues, on the amenities of the occupiers of surrounding dwellings. To this regard it is considered the grain stores will be further from the village of Bramdean and thus a reduced impact on a great number of residents.
- 8.33 In terms of the residential dwellings in the vicinity of the proposed site the proposals include the replacement and relocation of a diesel-powered grain dryer with a modern electric equivalent partly powered via renewal means (solar). This reduces by noise and particulate pollution. The applicant also advises that there will be a more general reduction in pollution through increased efficiency of process and the removal of the need to handle crops multiple times within a highly constrained site, both of which create noise and vehicle derived pollution. The Environment Health consultee (EHO) is nonetheless concerned that the submitted noise report does not include the operation of the proposed machinery, including the grain dryer. Whilst the EHO considers that suitable mitigation can be conditioned to make the development acceptable, the base line levels and operation noise levels must be considered in terms of any mitigation that maybe required and appropriate wording for the condition. This information is being gathered by the applicant but as there are methods to mitigate any unacceptable noise levels it is considered that the principle of the application can still be considered by the Planning Committee at this stage with the final noise measures and associated conditions to be delegated to the Director of planning.
- 8.34 It is not considered that proposed operations within the site will detriment the amenities of the occupiers of the adjacent dwellings to such an extent to warrant a refusal of the application. It is concluded that, pending an acceptable noise updated noise report that incorporates any mitigation measures that may be necessary, that the proposed scheme will accord with the requirements of policy SD05 in terms of the impact on the surrounding residential amenities and that the scheme is acceptable in planning terms to this regard.

Highways, Access and Traffic

- 8.35 The Highway Authority raised initial concerns concerning the information submitted with the application. They considered that it was insufficient information to conclude that the scheme would not have an adverse impact
- 8.36 Following the submission of the additional information, the Highway Authority have confirmed that they have no objection to the proposed access, on-site turning and parking arrangements.
- 8.37 Accordingly, it is considered, subject to appropriate planning conditions, that the proposed access arrangements and site layout are acceptable in highway, access and traffic terms and that the scheme is in accordance with the requirements of SDLP policies SD19, (Transport and Accessibility) and SD05 (Design). Whilst the new access may not be in full accordance

with Roads in the South Downs (2015) or the VDS it does remain in general accordance and it is considered that the benefits to the wider farming operation must be held in balance. To this regard the proposal is considered to be acceptable. Also, the applicant has ensured that the change to the access are modest and incorporate level kerbs which will allow vegetation to grow over these which in turn would allow a soft edge between the access and the verge area beyond.

Public Rights of Way (PRoW)

- 8.38 Policy SD20, (Walking, Cycling and Equestrian Routes), requires that new developments maintain existing rights of way; and conserve and enhance the amenity value and tranquillity of, and views from, non-motorised travel routes and access land. The VDS also requires that footpaths are maintained. To this regard, there is a public right of way, (footpath 17), that runs to the western hedgerow of the site and along the access track. The Countryside Access Development Officer consultee required that a post and rail fence be installed for the initial section of the PRoW adjacent to the development so that users have a safe place of retreat when farm vehicles use the access.
- 8.39 The applicant has submitted an amended plan to include a short section of post and rail fencing. It is considered with this amendment and when taking into consideration the limited impact on the users of the footpath by the contained development proposed directly adjacent to the busy A272, that the scheme would not result in a detriment to the users of this footpath. Furthermore, that the surrounding habitat enhancements could have the potential to have a marginal increase the enjoyment of users of the section of the footpath in terms of a potential to support new biodiversity.

Dark night skies

- 8.40 The proposed site does not sit within the Dark Sky Core or the 2km buffer zone. Policy SD08 of the SDLP requires that development does not harm the quality of dark night skies of the National Park, for the benefit of people and wildlife. In consideration of this the applicant has sought to minimise light spill from the site by minimising additional external lighting, PIR sensors fitted to all new external lighting and minimise all internal lights to buildings. Given the higher relative contrast of lighting in rural areas, it will be important that any bright lights (above 5000 lumens) are mitigated sufficiently. To this regard and in the interest of protecting general ecology it is considered necessary to impose a planning condition to require details of the external and internal lighting to be submitted to and approved by the SDNPA.

Archaeology

- 8.41 The County Archaeologist raised no objection to the scheme but did highlight the potential for there to be features of potential archaeological interest.
- 8.42 As such, it is recommended that appropriate conditions are applied to a planning consent to secure appropriate archaeological investigation work. It is therefore considered that the application would accord with the requirements of policy SD16 of the SDLP.

9. Conclusion

- 9.1 Given the above, it is considered that the proposal is in accordance with the Development Plan and there are no overriding material considerations to otherwise indicate that permission should not be granted. The scheme supports the future of the farming operation and enables conservation and biodiversity enhancements to be delivered. It is therefore recommended that planning permission is granted.

10. Reason for Recommendation

- 10.1 That planning permission be granted subject to the conditions set out below and that it be delegated to the Director of Planning to consider and add additional conditions that may be required once further details are submitted with regard to noise mitigation.

Timescale

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

Reason: To comply with the provisions of Section 91 (1) of the Town and Country Planning Act 1990 (as amended) and to comply with Section 51 of the Planning and Compulsory Purchase Act 2004

Approved Plans

2. The development hereby permitted shall be carried out in accordance with the plans listed below under the heading "Plans Referred to in Consideration of this Application".

Reason: For the avoidance of doubt and in the interests of proper planning.

Removal of Redundant Buildings

3. Within 6 months of the bringing into use of the buildings hereby permitted, the grain silos located within the existing site, as shown on submitted plan, 1063-200-20, shall have been demolished and the removed from the site.

Reason: In the interests of landscape and visual amenity of the area.

Sustainable Construction

4. Prior to the commencement of the development hereby permitted, a design stage sustainability report shall be submitted to and approved in writing by the Local Planning Authority. The report must consider options such as efficient lighting, opportunities for green roof/further PV and the use of local timber and shall include details of the control box and solar panel as shown on the plans hereby approved. The development shall only be carried out and maintained strictly in accordance with the approved details.

Reason: To ensure an environmentally sustainable development and in the interests of landscape and visual amenity of the area.

Materials

5. Prior to construction above slab level a schedule and samples of external materials and finishes to be used in the construction of the buildings hereby approved, shall have been submitted to and approved in writing by the Local Planning Authority. The development shall only be carried out strictly in accordance with the approved details.

Reason: In the interests of landscape and visual amenity of the area.

Levels and Datum Point

6. The development hereby approved shall be carried in accordance with the proposed levels plan and section drawings hereby approved. There shall be no further increase in levels above those shown unless the Local Planning Authority gives prior written approval for such changes.

Reason: In the interests of landscape and visual amenity of the area

Highways and Access

7. Prior to the commencement of development, the access shall be constructed with the visibility splays of a minimum of 2.4 by 215 metres and maintained as such at all times. Within these visibility splays notwithstanding the provisions of the Town & Country Planning (General Permitted Development) Order 2015 (as amended) (or any Order revoking and re-enacting that Order) no obstacles, including walls, fences and vegetation, shall exceed the height of 1 metre above the level of the existing carriageway at any time.

Vegetation, other than TPO trees, shall be cut back to the highway boundary to maximise the available sight distance at the access.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

8. Prior to the commencement of development, the access track within the site shall be widened to 4.5m in accordance with the drawing named 'Proposed Access Junction' (Appendix D of the Highway Technical Note). The development shall only be carried out strictly in accordance with the approved details and maintained at all times.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

9. Prior to the commencement of development, a scheme shall be submitted to and approved in writing to control the movements of vehicles along the access track when accessing and leaving the site.

Reason: To ensure the safety of persons and vehicles entering and leaving the access and proceeding along the highway.

10. No development shall take place, including any ground works, until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Thereafter the approved Plan shall be implemented and adhered to in full throughout the entire construction period. The Plan shall provide details as appropriate but not be restricted to the following matters,

- a) the anticipated number, frequency and types of vehicles used during construction,
- b) the method of access and egress and routeing of vehicles during construction,
- c) the parking of vehicles by site operatives and visitors,
- d) the loading and unloading of plant, materials and waste,
- e) the storage of plant and materials used in construction of the development,
- f) the erection and maintenance of security hoarding,
- g) the provision and utilisation of wheel washing facilities and other works required to mitigate the impact of construction upon the public highway
- h) details of public engagement both prior to and during construction works.

Reason: In the interests of highway safety and the amenities of the area.

11. Prior to the commencement of the development hereby permitted, details shall be submitted to and approved in writing by the Local Planning Authority of a plan indicating the position, height, design and material for the post and rail fence as shown on plan 2058-03 received 27 October 2020. The approved fence shall be installed prior to the commencement of the development and maintained thereafter.

Reason: To ensure a satisfactory development and in the interests of amenity of users of the footpath and landscape character.

Drainage and Surface Water

12. Detailed proposals for the disposal of surface water, to include sections, (each way), through the infiltration basin and further details of how the basin will operate, shall be submitted to and approved in writing by the Local Planning Authority before the commencement of the development hereby permitted. The approved details shall be fully implemented before development commences.

Reason: To ensure satisfactory provision of surface water drainage.

Landscaping, Ecology and Trees

13. Prior to the commencement of the development hereby permitted, a detailed scheme of hard and soft landscaping works shall be submitted to and approved in writing by the Local Planning Authority. All such works as may be approved shall then be fully implemented in accordance with the approved development. The scheme shall include details of:

- I. Proposed planting plans and strategy, including written specifications, cultivation and other operations associated with plant, grass, shrub and tree establishment;

schedules of plants and trees noting species, sizes; and proposed numbers/densities where appropriate,

- II. Tree guards, staking and tree-pit construction,
- III. Details of the grassland seed mix that shall be appropriate to the ground conditions, based on PH and nutrient data of the soils,
- IV. A timetable for implementation of the soft landscaping works,
- V. A schedule of landscape maintenance for a minimum period of 5 years to include details of the arrangements for its implementation.

Thereafter the development shall be undertaken in full accordance with the agreed details unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape.

14. All soft landscaping shall be carried out in the first planting and seeding season following the bringing into use of the proposed farm buildings, or the completion of the development, whichever is the sooner. All shrub and tree planting shall be maintained free from weeds and shall be protected from damage by vermin and stock. Any trees or plants which, within a period of five years, die, are removed, or become seriously damaged or diseased shall be replaced in the next planting season with others of a similar size and species, unless otherwise agreed in writing by the Local Planning Authority.

Reason: To achieve an appropriate landscaping scheme to integrate the development into the landscape.

15. Prior to the commencement of the development hereby permitted, measures of the protection of the trees to be retained as outlined in the submitted Arboricultural Method Statement shall be implemented and shall be retained until the completion of the development and no vehicles, plant or materials shall be driven or placed within the Root Protection zones.

Reason: In the interests of the amenity and the landscape character of the area

Ecology and Biodiversity

16. Works shall be carried out in full accordance with the ecological mitigation and enhancement measures as set out within the Preliminary Ecological Appraisal (RPS Group, January 2020) shall be adhered to throughout all phases of the development.

Reason: To safeguard protected species and maintain biodiversity

17. Prior to development above slab level, a Landscape and Ecological Management Plan (LEMP), shall be submitted to and approved in writing by the Local Planning Authority. The content of the LEMP shall include the following:

- a) A description, plan and evaluation of landscape and ecological features to be managed including the water features and ditches, grassland and hedgerows to specifically include details of scrub and aquatic planting to enhance the infiltration pond,
- b) Measures setting out how the development will,
 - i) Conserve water resources and improve water quality,
 - ii) Protect and provide more, better and joined up natural habitats, including the type and location of bat boxes and bird boxes,
 - iii) Improve the National Park's resilience to, and mitigation of, climate change,
 - iv) Increase the ability to store carbon,
 - v) Conserve and enhance soils,

- c) Ecological trends and constraints on site that might influence management,
- d) Details of future management of both areas for habitats and species, including details of management responsibility,
- e) Preparation of a work schedule (including an annual work plan capable of being rolled forward over a five-year period),
- f) A scheme of ongoing monitoring, and remedial measures where appropriate.

The approved LEMP will be implemented in full accordance with the approved details, unless otherwise agreed by the Local Planning Authority. Where deemed necessary by the Local Planning Authority shall include contingencies and/or remedial action to be further agreed and implemented where the results from monitoring show that conservation aims and objectives of the LEMP are not being met.

Reason: To achieve an appropriate landscaping scheme which will contribute to the setting of the development and the surrounding character and appearance of the area, and secure ecological mitigation measures and biodiversity net gain.

Archaeology

18. No development or site preparation shall take place until the applicant has secured the implementation of a programme of archaeological mitigation work in accordance with a Written Scheme of Investigation that has been submitted to and approved by the local planning authority in writing. No development or site preparation shall take place other than in accordance with the Written Scheme of Investigation approved by the Local Planning Authority. The Written Scheme of Investigation shall include:

- a) The programme and methodology of site investigation and recording
- b) Provision for post investigation assessment, reporting and dissemination
- c) Provision to be made for deposition of the analysis and records of the site investigation (archive)
- d) Nomination of a competent person or persons/organisation to undertake the works set out within the Written Scheme of Investigation.

Reason: To mitigate the effect of the development upon any heritage assets and to ensure that information regarding these heritage assets is preserved by record for future generations.

19. Following completion of archaeological fieldwork, a report will be produced in an approved programme including where appropriate post-excavation assessment, specialist analysis and reports and publication. The report shall be submitted to and approved by the local planning authority.

Reason: To ensure that evidence from the historic environment contributing to our knowledge and understanding of our past is captured and made publicly available.

Lighting and Dark Night Skies

20. Prior to development above slab level, a scheme of external lighting to be installed at the site shall be submitted to, and approved in writing by the Local Planning Authority.

The lighting shall:

- a) Comply with the guidance set out in the SDNPA's Dark Night Skies Technical Advice Note and,
- b) Be designed to minimise impacts on wildlife in accordance with Guidance Note 08/18 produced by the Bat Conservation Trust and Institute of Lighting Professionals
- c) Internal lighting as submitted within the plans hereby approved shall be installed as high as possible so that there is an even spread and that the lights aren't directly visible from the surroundings and greater detail provided of the internal lighting switching

This information shall include a layout plan with beam orientation and a schedule of equipment in the design (luminaire type, mounting height, aiming angles and luminaire profiles). The lighting shall be installed, maintained and operated in full accordance with the approved details unless otherwise approved in writing by the Local Planning Authority.

Reason: In the interests of protected species and to protect the South Downs International Dark Skies Reserve.

Informatives

Locally Sourced Materials

1. The SDNPA encourages the use of locally sourced materials to support local character and distinctiveness, and to reduce the costs both financially and environmentally of transporting materials long distances. The applicant is recommended to undertake a resource mapping exercise for materials, starting within a 5km radius of their site, and then 10km, 25km.

Highways

2. The applicant will be required to enter into a license/agreement with Hampshire County Council, as Highway Authority, for any off-site highway works. The applicant is advised that it is an offence to undertake any works within the highway prior to the agreement being in place. More details can be found on the following link:
<https://www.hants.gov.uk/transport/developers/section-184>

11. Crime and Disorder Implication

- 11.1 It is considered that the proposal does not raise any crime and disorder implications.

12. Human Rights Implications

- 12.1 This planning application has been considered in light of statute and case law and any interference with an individual's human rights is considered to be proportionate to the aims sought to be realised.

13. Equality Act 2010

- 13.1 Due regard has been taken of the South Downs National Park Authority's equality duty as contained within the Equality Act 2010.

14. Proactive Working

- 14.1 In reaching this decision the Local Planning Authority has worked with the applicant in a positive and proactive way, in line with the NPPF.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Heather Lealan

Tel: 01730 819363

email: heather.lealan@southdowns.gov.uk

Appendices I. Site Location Map

SDNPA Consultees Legal Services, Development Manager

Background Documents <https://planningpublicaccess.southdowns.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>

[National Planning Policy Framework \(2019\)](#)

[South Downs Local Plan \(2014-33\)](#)

[South Downs National Park Partnership Management Plan 2014](#)

[South Downs Integrated Landscape Character Assessment 2005 and 2011](#)

Site Location Map



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Agenda Item 9
Report PC20/21-26

Report to	Planning Committee
Date	10 December 2020
By	Director of Planning
Title of Report	The South Downs National Park Authority's response to Submission (Reg 16) consultation on the Rogate & Rake Neighbourhood Development Plan (RRNP)
Purpose of Report	To agree the content of the South Downs National Park Authority's (SDNPA) representation to the Independent Examiner

Recommendation: The Committee is recommended to agree the table of comments as set out in Appendix 2 of the report which will form SDNPA's representation to the Independent Examiner of the RRNP.

I. Introduction and Summary

- I.1 The SDNPA actively promotes and supports community led planning, particularly Neighbourhood Development Plans (NDP) where growth needs to be accommodated and planning issues exist. On adoption, NDPs form part of the development plan for the neighbourhood area, alongside strategic planning policies of the South Downs Local Plan (SDLP).
- I.2 Rogate Parish Council (RPC) is the 'qualifying body' with responsibility for preparing the Rogate and Rake Neighbourhood Development Plan (RRNP). RPC submitted the RRNP (**Appendix 1**) to the SDNPA for examination on 5 October 2020. An eight-week publicity period commenced on 19 October 2020 and runs until the 14 December 2020, during which time local residents and other stakeholders are invited to submit representations to the SDNPA. These representations will be collated and submitted to the Plan's Examiner.
- I.3 The progression of the RRNP to submission stage is to be welcomed and the SDNPA wishes to congratulate RPC and the Neighbourhood Plan Steering Group (NPSG) on reaching this milestone. It is the result of a considerable amount of hard work by the Parish Council and the wider community. The preparation of the RRNP has taken a considerable length of time with several delays occurring mainly due to circumstances beyond the control of the RPC / NPSG. The SDNPA would therefore like to commend all those involved for their patience and perseverance.
- I.4 The SDNPA's comments (**Appendix 2**) were prepared using input from SDNPA officers. They set out the proposed representation to be submitted to the examination of the RRNP.

2. Background

- 2.1 The RRNP covers the plan period 2020 to 2033 and has been prepared for the designated neighbourhood area, which follows the Rogate parish boundary. The area was originally designated by SDNPA in March 2013. The neighbourhood area was re-designated in 2020 following a small change to the Parish boundary. The designation map is attached as **Appendix 3**.
- 2.2 In 2012 RPC took the decision to prepare a NDP for the whole parish. A project manager was appointed and a team of volunteers formed a steering group to oversee the production of the NDP. Then followed an enquiry by design process comprising a series of public meetings, workshops and community survey to inform the initial drafting of the NDP. A Housing Needs Survey was also conducted in partnership with Chichester District Council identifying local housing needs, in particular, for younger households seeking affordable rented homes and first time buying opportunities as well as older people looking to 'right-size' to a 2/3 bedroom home within the parish.
- 2.3 An initial pre-submission consultation on a draft RRNP was conducted in 2015. This draft RRNP did not allocate sites and subsequently RPC decided to prepare a revised draft including sites for development. A second pre-submission consultation was carried out from June to August in 2017. The consultation was publicised on the village website, newsletter and through email to over 200 residents and local businesses on the RPC database. Copies of the RRNP were made available at the Rogate village shop, Rake Garden Centre and the Flying Bull PH. More details of the consultation process can be found in the [Consultation Statement](#).
- 2.4 In 2017 when RPC requested a screening opinion for Strategic Environmental Assessment (SEA) and Habitats Regulation Assessment (HRA), the SDNPA screened out the need for HRA subject to mitigation measures to be included in the policies of the draft RRNP. In 2018 the Sweetman vs the Wind high court ruling determined that mitigation measures could not be included in a screening opinion. The RRNP therefore would need to be subject to an Appropriate Assessment, which also triggers the need for a SEA. The completion of these assessments has meant considerable delay to progressing the RRNP. The recommendations of the SEA/SA and HRA have been incorporated into the submission RRNP.
- 2.5 The [SDNPA response to the Pre-submission consultation](#) was agreed by Planning Committee following a site visit on 3 August 2017. The SDNPA response largely focused on local housing need, with clarifications sought on the evidence base. Concerns were also raised regarding the availability and respective constraints of the proposed sites for allocation. At the time of responding, the South Downs Local Plan (SDLP) was in draft form, nevertheless the SDNPA response highlighted areas of overlap and scope to align the RRNP with emerging SDLP policy.
- 2.6 The Submission version of the RRNP incorporates a series of amendments in response to the comments received from the SDNPA and other consultees during the pre-submission consultation. It is noted that the overall vision, objectives and policies have not changed significantly. The SDNPA formal representation to the RRNP submission consultation is relatively brief, given officers have worked closely with the NPSG over the years of plan preparation. However, some outstanding issues regarding the relationship between the RRNP and adopted policies of the SDLP (in particular Policies SD30/31, SD4/5 and SD41) are highlighted for consideration by the independent Examiner.
- 2.7 The SDNPA representation, together with any further changes agreed by the Planning Committee, will be submitted to the independent Examiner following approval at Planning Committee.

3. Submission and Examination

- 3.1 The SDNPA is required under the Town and Country Planning Act 1990 (as amended) to support communities in the preparation of NDPs, this includes taking the plan through the process of independent examination.

- 3.2 All representations made on the RRNP, including those of the SDNPA, are collated by the SDNPA and passed to an independent examiner to consider as part of the Examination of the RRNP. The independent Examiner for the Neighbourhood Plan is required to consider whether the RRNP meets the “Basic Conditions” set out in law under the Localism Act 2011. In order to meet the Basic Conditions, a Neighbourhood Plan must:
- Have regard to national policies and advice contained in guidance issued by the Secretary of State;
 - Contribute to the achievement of sustainable development;
 - Be in general conformity with the strategic policies of the development plan for the area;
 - Be compatible with EU obligations and human rights requirements; and
 - Be compatible with the requirements of Regulation 8 of Part 6 of the Conservation of Habitats and Species Regulations 2017
4. **Rogate and Rake Neighbourhood Plan – SDNPA Submission response**
- 4.1 The SDNPA submission representation can be found at **Appendix 2**. The following key points and overarching issues are raised in the representation:
- It is recognised that drafting of the RRNP has occurred over a long period of time, much of which was prior to the adoption of the SDLP. This was a challenge given that the adopted Local Plan policy for the Parish at the time was largely out of date (Chichester Local Plan 1999) and policies for the SDLP were in draft form. There is, as a result, several overlaps between RRNP policies and adopted SDLP policies, and in a few instances potential conflicts between the two are identified.
 - Policy H4 is concerned with appropriate replacement or extension of existing dwellings. SDLP Policy SD30 sets specific requirements regarding the replacement of existing dwellings, limiting the additional floor area to approximately 30% compared to the existing dwelling, to reduce the loss of small homes in the National Park through replacement by substantially larger homes. In addition, Policy SD31 of the SDLP also sets a limit of approximately 30% additional floorspace for extensions, to avoid the over-extension of existing dwellings and the adverse impact that this has on the character and appearance of both settlements and the countryside. Both SD30 and SD31 are non-strategic policies of SDLP, such that where there is a conflict between a NDP policy and Local Plan policy, the most up-to-date policy takes precedence. The SDNPA queries whether it is the intention of the Parish Council to supersede the 30% limits of SD30/31 with the making of Policy H4 of the NDP?
 - Strategic Policies SD4 and SD5 of the SDLP require a landscape-led approach to the design and layout of all proposals in the National Park. It is considered that the inclusion of indicative layouts within the NDP for the site allocations could undermine good contextual design and the evidence base / landscape-led approach of the SDLP. It is therefore recommended the RRNP includes a red line boundary of the sites only. This is consistent with the approach to site allocations in the SDLP.
 - Policy EWI appears to allow for a wide range of development in the countryside and it is queried whether this is the intention of the Parish Council? It is suggested that cross references are made to Policies SD25 and SD41 of the SDLP to retain appropriate exceptions to development in the countryside.
5. **Planning Committee**
- 5.1 The SDNPA response to the Submission consultation of the RRNP is presented to Planning Committee as the NDP proposes a slightly higher level of development than set out in the SDLP. Policy SD26 of the SDLP sets a housing provision figure for Rogate of 11 new homes. Policy SD26 also supports NDPs that accommodate higher levels of housing than is set out in the policy where they meet local housing need and are in general conformity with the strategic policies of the development plan. The RRNP has sought to meet the housing needs of the community, especially for young people and older people wishing to remain in the

Parish. In response, the RRNP allocates sites to deliver up to 15 new homes, increasing the provision of suitable new homes for the community including the provision of affordable homes.

6. Next steps

- 6.1 If agreed the SDNPA response to the Submission consultation will be collated with all other representations and submitted to an independent examiner to be considered as part of the Examination of the Rogate and Rake NDP.

Stage	Timescale & further details
Examiner appointment	The Examiner is in the process of being appointed to examine the RRNP
Examination	Examination is expected to take 6-8 weeks including preparation and issuing of the final report.
Examiner issues final report	<p>The Examiner will make one of the following recommendations:</p> <ul style="list-style-type: none"> • The Neighbourhood Plan should proceed to Referendum, on the basis that it meets all legal requirements • The Neighbourhood Plan, as modified, should proceed to Referendum • The Neighbourhood Plan does not proceed to Referendum, on the basis that it does not meet the relevant legal requirements.
Decision on a Plan Proposal	If time allows ¹ , Planning Committee will be asked to consider the Decision Statement which sets out the modifications to be made to the plan in response to the Examiner's report.
Referendum	<p>Subject to a successful examination and the approval of the Decision Statement, there will be a referendum (held in May 2021 at the earliest) when the community are asked:</p> <p><i>"Do you want the South Downs National Park Authority to use the neighbourhood development plan for Rogate to help it decide planning applications in the neighbourhood area?"</i></p> <p>If over 50% of those who vote say yes, the RRNP will automatically become part of the Development Plan and the SDNPA is then under a duty to 'make' the neighbourhood plan within 8 weeks of the referendum.</p>

¹ Government regulations now require Decision Statements be published within 5 weeks of an Independent Examiner's report being issued. If there is insufficient time to take the Decision Statement to Planning Committee, it will be delegated to officers.

7. Other Implications

Implication	Yes/No
Will further decisions be required by another committee/full authority?	Yes – Agreement of the Decision Statement and agreement to ‘Make’ the RRNP at a subsequent Planning Committee if a Referendum is successful.
Does the proposal raise any Resource implications?	Yes - The SDNPA has invested staff resources in supporting the development of the RRNP by attending meetings and responding to queries. There has also been financial resource provided through the reallocation of the Government’s New Burdens funding and the allocation of SDNPA funding amounting to £17,480. This funding has contributed to the cost of undertaking SEA, HRA and early preparatory work. The SDNPA has claimed £10,000 in new burdens funding from CLG to date and should be able to claim £20,000 to cover the cost of the Examination and Referendum.
Has due regard been taken of the SDNPA’s equality duty as contained within the Equality Act 2010?	Due regard has been taken of the SDNPA’s equality duty as contained within the Equalities Act 2010. Rogate Parish Council who has the responsibility for preparing the neighbourhood plan have prepared a Consultation Statement demonstrating how they have consulted the local community and statutory consultees. One of the Basic Conditions which the RRNP is required to meet is to ‘Be compatible with EU obligations and human rights requirements’ therefore the Examiner will be required to check that the plan does not breach this condition.
Are there any Human Rights implications arising from the proposal?	None
Are there any Crime & Disorder implications arising from the proposal?	None
Are there any Health & Safety implications arising from the proposal?	None
Are there any Sustainability implications based on the 5 principles set out in the SDNPA Sustainability Strategy:	<p>Rogate Parish Council as the qualifying body with responsibility for preparing the neighbourhood plan must demonstrate how its plan will contribute to the achievement of sustainable development. This is set out in the Basic Conditions Statement. Please note that the sustainability objectives used by qualifying bodies may not be the same as used by the SDNPA, but they will follow similar themes.</p> <p>Strategic Environmental Assessment</p> <p>Rogate Parish Council has undertaken a SEA/SA in support of their NDP.</p> <p>Rogate Parish Council has undertaken a HRA in support of their NDP.</p>

8. Risks Associated with the Proposed Decision

Risk	Likelihood	Impact	Mitigation
The NDP does not meet the basic conditions	Low	Medium	SDNPA planning officers have been contributing to the preparation of the emerging RRNP and are comfortable that it meets basic conditions. This will be tested by the examination of the plan and should issues be identified there are a number of mechanisms available through which they can be addressed.
SDNPA not raising all areas of concern at this stage.	Low	Medium	Although the comments at this stage should relate only to the basic conditions, officers also take the opportunity to raise more detailed areas in order to add value to the plan or reduce any areas of conflict. It is up to the Examiner as to whether they consider them or not. However, it is hoped that this will produce a better quality plan.

TIM SLANEY

Director of Planning

South Downs National Park Authority

Contact Officer: Amy Tyler-Jones (Senior Planning Policy Officer)

Tel: 01730 819272

email: amy.tyler-jones@southdowns.gov.uk

Appendices

1. Rogate & Rake Neighbourhood Plan – Submission version
2. SDNPA comments on the Submission version of the RRNP
3. Rogate Designated Neighbourhood Area Map

SDNPA Consultees Legal Services; Chief Finance Officer; Monitoring Officer; Director of Planning

External Consultees The Submission version of the RRNP is open to anyone to comment on. The SDNPA has publicised it and circulated to all known interested parties. Officers will coordinate all the responses and forward them to the Examiner.

Background Documents [SDNPA Response to the RRNP Pre-submission consultation](#)
[RRNP Basic Conditions Statement](#)
[RRNP Consultation Statement](#)
[RRNP Strategic Environmental Assessment / Sustainability Appraisal](#)
[RRNP Habitats Regulation Assessment](#)

ROGATE AND RAKE NEIGHBOURHOOD DEVELOPMENT PLAN 2020 – 2033

Submission Document – September 2020



GLOSSARY

ANGS	Accessible Natural Green Space
BAP	Biodiversity Action Plan
BOA	Biodiversity Opportunity Area
CDC	Chichester District Council
GI	Green Infrastructure
HA	Housing Association
LDF	Local Development Framework
LEAF	Linking Environment and Farming
LGS	Local Green Space
LNR	Local Nature Reserve
NNR	National Nature Reserve
PMP	Partnership Management Plan
POS	Public Open Space
PROW	Public Rights of Way
RPC	Rogate Parish Council
Ramsar	Wetland site of international importance defined by the Ramsar Convention
R&RNDP	Rogate and Rake Neighbourhood Development Plan
SAC	Special Area of Conservation
SAM	Scheduled Ancient Monument
SEA	Strategic Environmental Assessment
SINC	Site of Importance for Nature Conservation
SNCI	Site of Nature Conservation Importance
SAM	Scheduled Ancient Monument
SDNPA	South Downs National Park Authority
SHLAA	Strategic Housing Land Availability Assessment (by the SDNPA)
SPA	Special Protection Area
SSSI	Site of Special Scientific Interest
SUDS	Sustainable Urban Drainage System
UKBAP	United Kingdom Biodiversity Action Plan
VG	Village Green
WHS	World Heritage Site
WSCC	West Sussex County Council

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FOREWORD

Eight years ago, Rogate Parish Council decided to produce a Neighbourhood Development Plan for the whole parish. The Council required that the process of developing the Plan should be both thorough and transparent. The Council appointed a project manager who, with a team of volunteers, formed a Steering Group that embarked on an extensive series of public meetings, option development workshops, a website and a questionnaire.

After an extensive consultation with statutory consultees, including the South Downs National Park Authority, which generated a number of comments, the document was handed back to the Parish Council. After processing those comments, the Council resolved to include specific sites for development – a major change.

The revised Plan provides a vision and objectives for the future of Rogate, Rake and the hamlets and settlements of the parish. A series of planning policies are defined to achieve those objectives and realise the vision.

There has been a considerable effort to consult all who live in the parish and to involve the community through public meetings and exhibitions and an extensive questionnaire that went to every household in the parish. The results of those consultations have been distilled into the Plan so that it reflects, as far as it can, the aspirations and concerns of those who live and work in the parish.

Fundamentally, the Plan is part of the local land-use planning system and consequently is concerned with planning issues. The consultation process generated views on a wide range of topics many of which were outside the scope of a neighbourhood plan.

However, the parish council will retain those views in order to guide their liaisons with other authorities to achieve improvements.

This Rogate and Rake Neighbourhood Development Plan provides the planning authorities with the considered views of those who live in the parish across a range of planning policies.

A further statutory consultation process including scrutiny by the SDNPA, a Habitats Regulations Assessment and a Strategic Environmental Assessment has resulted in additional changes to the Plan, now included in this document. This Submission Document was approved by the Rogate Parish Council on 8 October 2018. It will be examined by an independent planning inspector and there will then be a referendum in the parish to agree the Plan.

The Parish Council wishes to thank all who have contributed to the Plan's production, particularly Paddy Walker as project manager and all members of the Steering Group.

Steve Williamson
Rogate Parish Council

1. INTRODUCTION

1.1 Purpose

- 1.1.1 The purpose of the Neighbourhood Development Plan is to provide a practical framework within which decisions on planning applications can be made with a high degree of predictability and efficiency over the Plan period, 2020 to 2033.
- 1.1.2 The Neighbourhood Development Plan (The Plan or R&RNDP) has been produced by Rogate Parish Council as the legal qualifying body under the powers granted to communities through the Localism Act 2011.

1.2 Document Structure

- 1.2.1 The remainder of this document is laid out as follows:

Chapter 2	Rogate and Rake in 2017
Chapter 3	Vision and Objectives
Chapter 4	Statutory Planning Policies
Chapter 5	Community Aspirations
Chapter 6	Action Plan
Chapter 7	Monitoring and Review

1.3 The Plan Area

- 1.3.1 The Plan covers the civil parish of Rogate which includes the villages of Rogate and Rake (majority), and the hamlets of Fyning, Hillbrow (part), Dangstein, Durford, Durleighmarsh, Hale Common, Harting Combe, Terwick Common, Tullecombe, Habin, and Langley.
- 1.3.2 Up and till 1 April 2019 the parish also included the north-eastern part of Nyewood (three dwellings) but on that date the boundary between Rogate Parish and Harting Parish was amended by Chichester District Council. Consequently, the designated R&RNDP area was also amended by SDNPA in September 2020 and the current area is shown in Figure 1.1 and the area of change in Figure 1.2. Consultations undertaken before 1 April 2019 covered the old designated area.
- 1.3.3 In the 2011 Census there were 1,556 residents in some 639 households.
- 1.3.4 Rogate parish is located within the South Downs National Park in the centre of the Western Weald. It is approximately 5 miles north to south, 3 miles east to west at its widest, covers approximately 9 square miles or 23 square km, and has a perimeter of about 16 miles. The Western Rother flows through the south of the parish and is the water course into which the parish area drains. The A272 crosses the parish from east to west, through the centre of Rogate village. Serving the linear settlement of Rake is the B2070 (old A3) which runs northeast and southwest along the western boundary of the parish, which is also the West Sussex County and Chichester District border. This boundary dissects some properties and separates some houses from their gardens.

Figure 1.1 Designated R&RNDP Area 2020

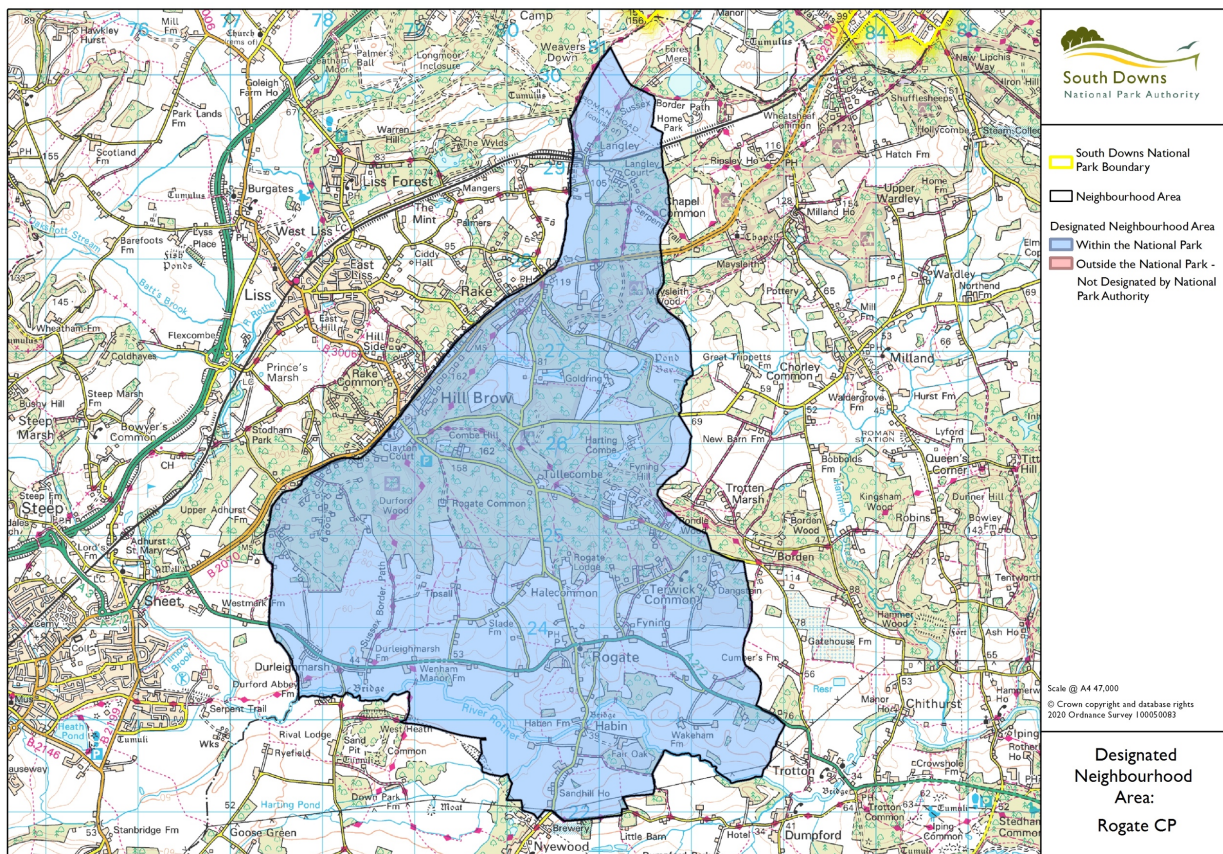
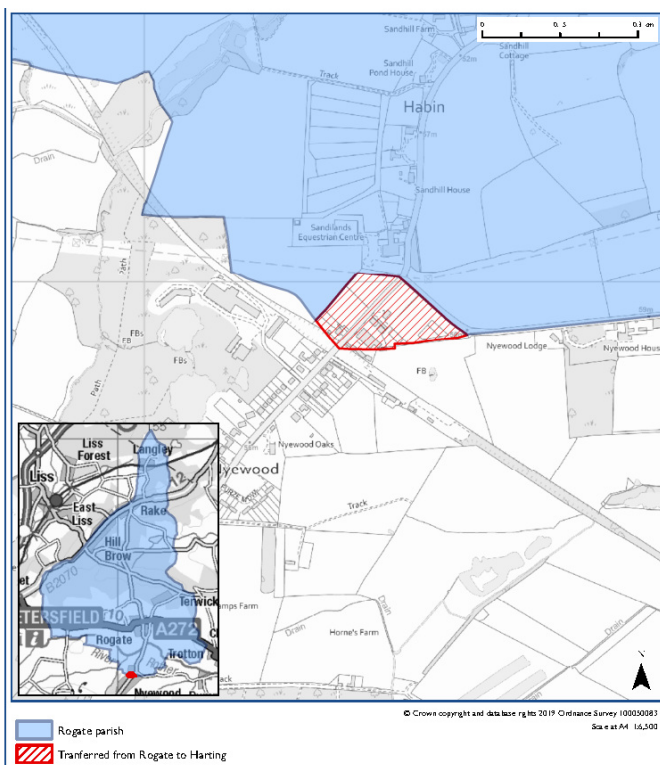


Figure 1.2. Boundary Change Area 2019



1.4 Planning Policy

- 1.4.1 The Plan carries significant legal weight. It has been prepared in accordance with relevant legislation—schedule B of the Town and Country Planning Act 1990, and the Neighbourhood Planning (General) Regulations 2012 as amended. It has regard to Policies contained in the NPPF and the accompanying guidance published by the Secretary of State.
- 1.4.2 As the parish lies within the South Downs National Park, the South Downs National Park Authority (SDNPA) is the local planning authority. The SDNPA developed its first Local Plan over the course of drafting the R&RNDP, and was adopted in July 2019 covering the period 2014-2033. Consequently, the South Downs Local Plan is the relevant Local Plan for the Rogate and Rake Neighbourhood Development Plan.
- 1.4.3 The National Planning Policy Framework (NPPF) includes policies that place greater restrictions in the National Parks than in the rest of the country. Paragraph 172 states: ‘Great weight should be given to conserving landscape and scenic beauty in National Parks ...which have the highest status of protection in relation to these issues.’ Paragraph 172 also confirms: ‘planning permission should be refused for major developments other than in exceptional circumstances and where it can be demonstrated the development is in the public interest.’
- 1.4.4 The UK Government’s Vision and Circular entitled English National Parks and Broads published by DEFRA states that National Parks should:
- a. Conserve and enhance the natural beauty, wildlife and cultural heritage of the Parks.
 - b. Promote opportunities for the understanding and enjoyment of the special qualities of the Parks by the public.
- 1.4.5 More specifically, the South Downs National Park’s special qualities are defined as having “diverse, inspirational landscapes and breath-taking views; tranquil and unspoilt places; a rich variety of wildlife and habitats including rare and internationally important species; great opportunities for recreational activities and learning experiences.” The remaining special qualities are: “an environment shaped by centuries of farming and embracing new enterprise, well-conserved historical features, a rich cultural heritage, distinctive towns and villages, and communities with real pride in their area.”
- 1.4.6 The SDNPA published a Partnership Management Plan (PMP) setting out a vision for the Park up to 2050 with guidelines, policies and actions supporting the delivery of this Plan. The SDNP Local Plan will be based on this framework.

1.5 The Development of the Plan’s Policies

- 1.5.1 The Plan’s priority is to promote sustainable development. Any planning proposal must protect the natural environment, foster economic prosperity, and enhance community well-being. The Vision (chapter 3) sets out what the Plan seeks to achieve over the next 20 years for the environment and the community. The Plan focuses on 8 Objectives (chapter 3) carefully correlated with statutory planning policies. These objectives are:
- 1 Sustainability = S
 - 2 The Natural environment = NE
 - 3 The Built Environment = BE
 - 4 Housing = H
 - 5 Economy and Work = EW
 - 6 Transport = T

7 Energy = E

8 Community Health, well-being and amenity = CH

1.6 Establishing the Plan

- 1.6.1 A key requirement imposed by the Parish Council was that the process of developing the Plan should be thorough and transparent. The procedure for establishing the Plan was set out in a formal governance statement agreed with the Parish Council and SDNPA in 2013.
- 1.6.2 Every effort has been made to consult and involve the whole community—parishioners, businesses, and community groups. There have been public meetings, a comprehensive questionnaire, and a Steering Committee formed to interpret the views of residents and others consulted. The website (www.rogateandrakeplan.co.uk) has been consistently updated with all documentation.

2. ROGATE and RAKE in 2020

2.1 Geography, Geology, History and Social Structure

- 2.1.1 The civil parish of Rogate combines Rogate (including part of the old parish of Terwick) with most of the village of Rake and several hamlets. It is at the far north-west corner of West Sussex County and Chichester District; on the county border with Hampshire and the district border of East Hants. This impacts on Rake where the village is cut in two by the boundaries. Rogate Parish's marginal position means that although it is in West Sussex County and Chichester District, its postal town is either Petersfield or Liss, Hampshire, its STD telephone number 01730 is Petersfield, Hampshire, and the post codes are GU for Guildford, Surrey.
- 2.1.2 The parish is a roughly triangular shape stretching northwards from the Western Rother across a range of soils. Near the River Rother the sandy soils are fertile and the land then rises to the north into less fertile east-west sandstone escarpments containing deposits of carstone (iron stone concretions). From the River Rother at about 40m ASL, the land rises to 160m ASL at Combe Hill before dropping over 100m into the bowl of Harting Combe and into the underlying clay. The high ridge (at about 150m ASL), on which sits Rake village, affords extensive views to the south-east as far as Duncton Hill from Oliver's Piece.
- 2.1.3 At the southern base of the escarpments there is a line of springs which account for the growth of the original settlements. There is evidence of iron-age activity nearby, and a Roman Road crosses the northern tip of the parish at Langley. It was the Saxons who first cut clearings in the primeval mixed oak forest—the weald (Wald, German), to make small farmsteads (wicks). Then the Normans founded Durford Abbey (Scheduled Monument) and built churches at Rogate and Terwick.
- 2.1.4 In the sixteenth century, the production of iron from the carstone brought industry to the area, probably supplying iron to Henry VIII's navy in Portsmouth. There were iron furnaces in the Combe and at Habin. The area was then the 'black country'—dirty, smoky and noisy, but prosperity saw the building of the first substantial houses—The White Horse, some farmhouses, and the old cottages at Fyning. The Sussex iron industry became out-dated with the Industrial Revolution, and the population had to support themselves with brick-making, quarrying, forestry, woodland crafts and agriculture. The track of the old London to Portsmouth road (A3) along the top of Rake Hanger was always dangerous because of robbers and highwaymen so the settlement there was sparse but directed towards catering for the travellers.
- 2.1.5 There were four extensive estates in the nineteenth century, Rogate Lodge, Dangstein, Fair Oak and Fyning House with numerous tenanted farms. The development of the railway through Petersfield brought better, safer connections to London and the branch line along the Rother valley from Petersfield to Midhurst had a station at Nyewood. Policing had improved so wealthy Victorians built grand houses along the London Road along the edge of Rake Hanger at Hillbrow with views into Harting Combe. All these households needed domestic and outdoor staff and so smaller cottages were built in Rake and neighbouring Liss which had a station on the London line. There was once a village centre known as Rogate Square at the crossroads, and the Church, White Horse pub and village shop still form the centre of Rogate village.
- 2.1.6 The 1950s brought metalled roads, sanitation, piped water, slum clearance, and new agricultural methods. The population grew. Local authority housing provided new homes

at Knowles Meadow, Hillbrow; Terwick Rise, Terwick Common; and Parsonage, Rogate. In 1958 Sir Percy Wyndham died and the Rogate estate was broken up and sold to multiple new owners. New private housing was built along the London Road, Rake, and Fyning Lane, Rogate.

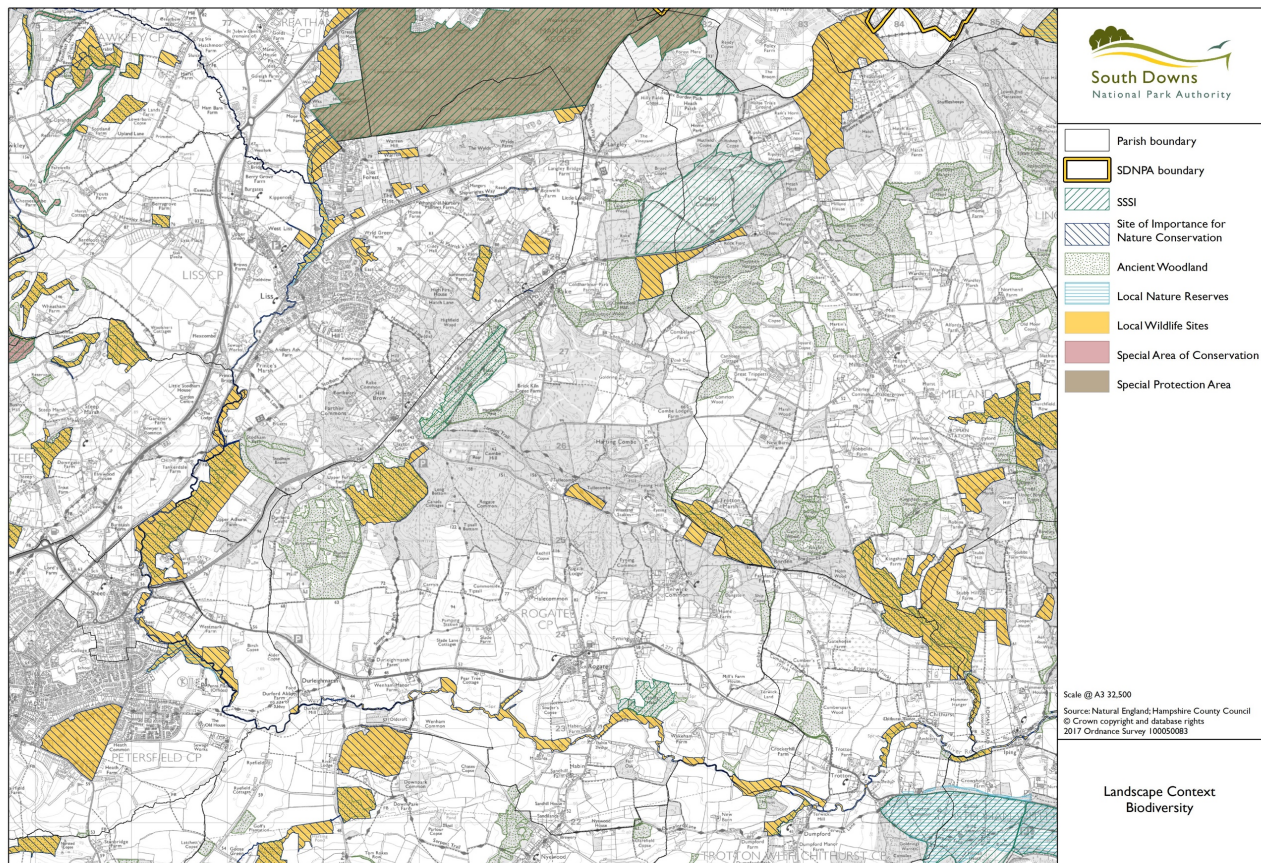
- 2.1.7 In the 1960s and 1970s Rogate village leaders decided not to have a gas supply connected and could not decide on a route for a by-pass. Now the A272, the most important main road running east-west through West Sussex north of the Downs, carries significant volumes of traffic through the narrow centre and Conservation Area of Rogate.
- 2.1.8 The population is 1556 in 639 households (2011 Census). Half the population is between the ages of 25 and 64 years (the most active ages). A quarter is over 65 years of age. With a quarter under 24 years of age, 17% are under 16 years of age and 8% between the ages of 17 and 24 years. About a quarter of households (c.180 households) are in Rogate village, about one third of households are in the part of Rake and Hillbrow in the parish (c.100 in each). The remaining households are in the hamlets of Fyning, Dangstein, Terwick Common, Tullecombe, and Fyning Lane (c.70), Durleighmarsh, Wenham Common and Slade Lane (c.50), Habin and Nyewood (part) (c.50), Durford Wood (c.40), Langley (c.30). Nearly two-thirds of those in Rogate village live on Parsonage and Hugo Platt.
- 2.1.9 Rake village lies on the old A3 London-Portsmouth trunk road linking the capital with the principal naval port and which had many turnpike and tolled sections. The village was an important staging post and there were once three coaching inns in the village. The A3 road was successively improved after the Second World War with dual carriageways either side of the village but no bypass; partly due to the local topography as the road sits on top of a narrow ridge. The village finally had a bypass when the longer Petersfield-Liphook bypass to the north and west opened in 1992.

2.2 Sustainability

- 2.2.1 The NNPF defines sustainability as having three aspects: economic, social and environmental. To ensure the Rogate and Rake Plan achieves sustainable development the policies of the Plan have been assessed based on local Sustainable Development Indicators (SDIs). Reference to these will improve the economic, social, and environmental conditions of residents and visitors.
- 2.2.2 Transport accounts for about a third of all carbon emissions so reducing the need to travel is an important objective for sustainable development. Locating development at sites close to services, flexible working practices and home-working should reduce the need to travel.

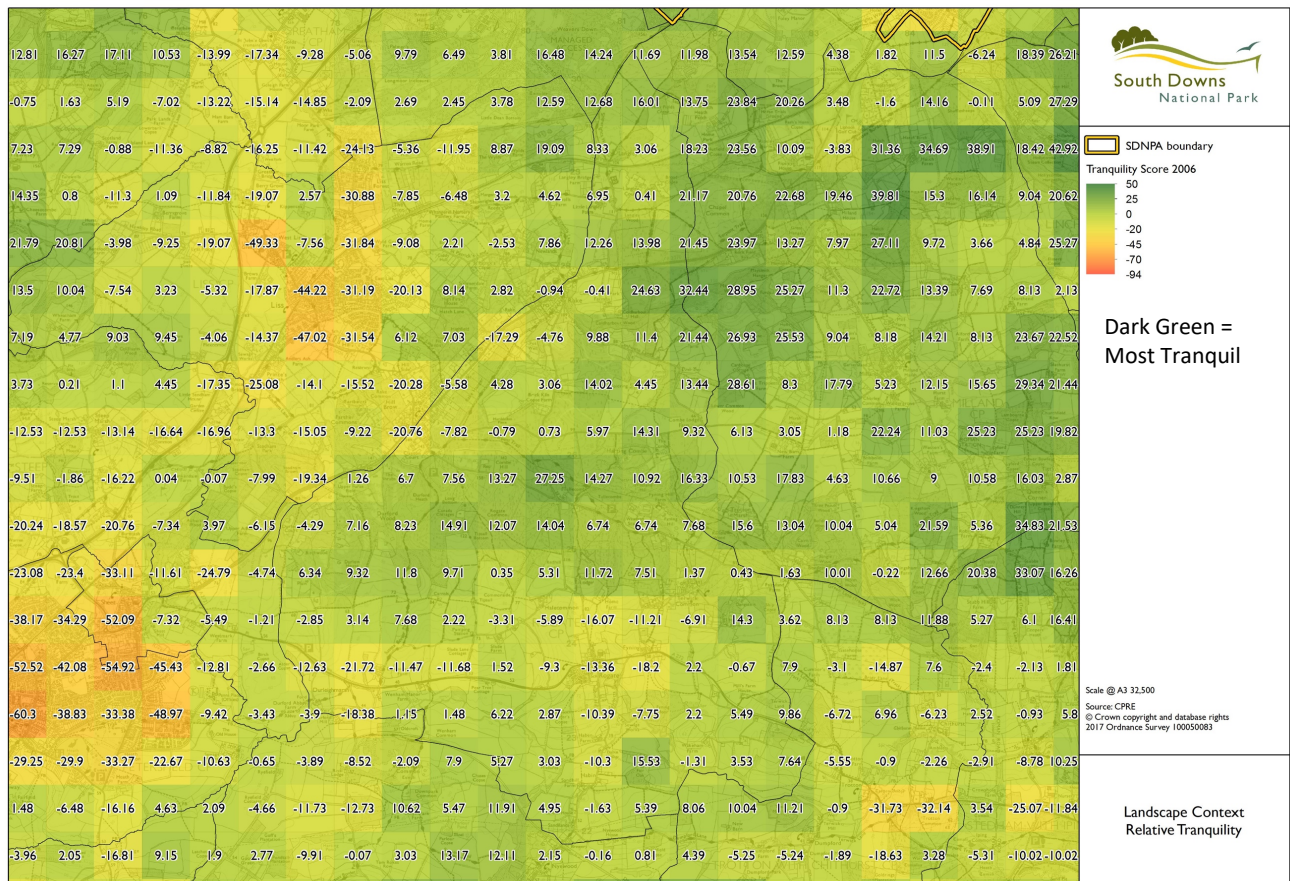
2.3 The Natural Environment

- 2.3.1 There are three Sites of Special Scientific Interest (SSSI) in the parish at Chapel Common, Rake Hanger and Fyning Moor, as well as Local Wildlife Sites (previously Sites of Nature Conservation Importance for (SNCIs)) at Durford Heath, the River Rother corridor and other small sites. These are shown in Figure 2.1 which also shows important areas of ancient woodland at Langley Wood, Rake Hanger, Hambledon Place, Pot Well, Coldharbour Wood, Harting Combe, Dangstein, Durford Heath, Durford Wood, Fyning Moor and Mizzards.

Figure 2.1 Ecological and Wildlife Designations

- 2.3.2 The varied soils from the sandy river bed to the greensand escarpments offer a wide range of habitats. There are threats from intensive farming, hedgerow removal, traffic, and other human disturbance but there is still an overall tranquillity (see Figure 2.2 overleaf) and sense of rural remoteness. The sense of tranquillity in the area is extremely important to the residents and one of the major characteristics that should be protected.
- 2.3.3 Woodland plants such as wild daffodils, snowdrops, bluebells and anemones flourish in the old woodlands; birds, butterflies and insects live in and near the river, on the marshes or 'moors' and on the old wooded and heathland commons. These habitats are accessed by a network of footpaths and bridleways. This is all highly valued by the community, and there was considerable interest in improving the footpath network, especially along the riverside.
- 2.3.4 Rogate parish rates highly as one of the most important dark night skies areas within the overall SDNPA Dark Night Sky designation.
- 2.3.5 Some of the special qualities of the parish are its old sandstone bridges at Habin and Durford (both Scheduled Monuments), the river, the old cottages built of local stone, the sunken lanes and many superb views of the Downs across un-developed countryside.

Figure 2.2 Local Tranquillity Indicators



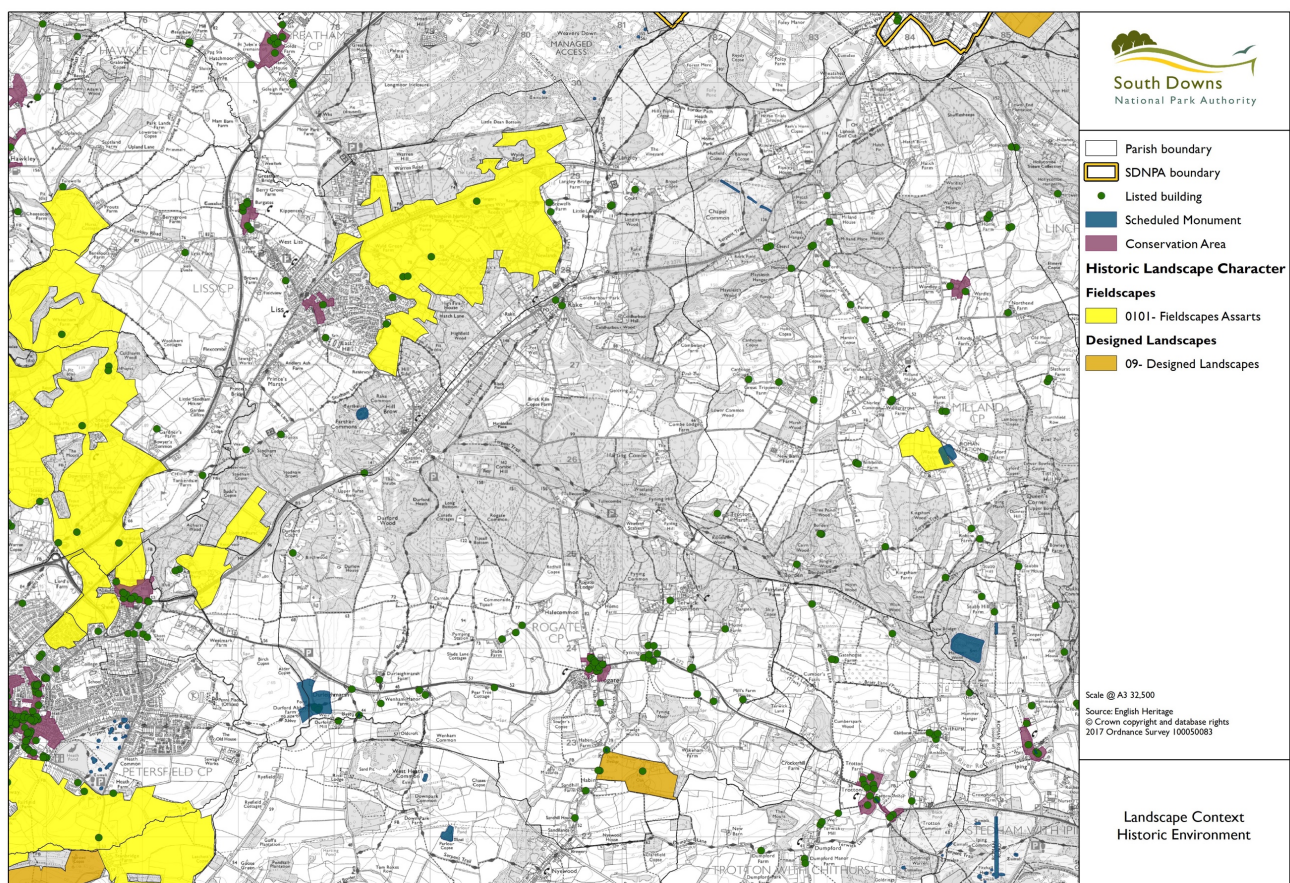
2.4 The Built Environment

- 2.4.1** The 2011 Census indicated there are 639 households in the parish and there are business and commercial premises and community facilities such as churches, schools and village halls. Many of the old farms and their associated buildings have now been made into residential or business accommodation, for example Fyning Barn (residential) and Wenham Barn (business). Some of the cottages have been joined together to make one larger home, or otherwise extended. There was something of a building boom in the late 1950s and 1960s as car ownership made village living possible for commuters. Reference has already been made to local authority housing, some of which replaced the old cottages considered 'unfit for human habitation'. Some of the large Victorian houses have become nursing homes, businesses, or divided into separate properties. An example is The Red House on Habin Hill, Rogate, which was built in the 1870s. A century later it became a study centre for King's College, London and now has been developed into a group of separate residential properties now known as Red House Court.
- 2.4.2** The majority of the parish housing stock is privately owned and very variable in types of construction and size. There are 42 large homes at Durford Wood; a few 'eco' homes; and increasingly the strategy for homeowners is to extend their properties or demolish and rebuild a larger property on the site. The 'right-to-buy' brought new developments to what was previously local authority housing in, for example, Parsonage.
- 2.4.3** Despite all this development, there remains enough character to give the parish a strong sense of identity which the community wishes to protect. The evidence provided in

support of this Plan demonstrates that the community does not wish to see any significant change to the rural and relatively unspoilt character of the parish. This will be a primary consideration when any new development is considered.

- 2.4.4 The parish values its heritage assets. The centre of Rogate is a Conservation Area which was designated in November 1984. Its purpose is to conserve the recognisable character of the village centre and its environs, protecting the church and churchyard, the White Horse Pub and the eighteenth and nineteenth century houses and cottages.
- 2.4.5 The character and setting of the parish's listed buildings and Scheduled Monument are especially valued. In total, there are 58 Listed Buildings (including St Bartholomew's Church Rogate, War Memorial Rogate, St Peter's Church Terwick, Wenham Barn and The Bothy at Old Fyning House) and three Scheduled Monuments (Durford and Habin Bridges, Durford Abbey remains). In Rake, there is Coombe Farmhouse with the Tankerville Arms plaque. In addition, the White Horse pub is a significant feature of the village centre. These are shown in Figure 2.3 below.

Figure 2.3 Heritage Assets



- 2.4.6 The Plan recognises that this rural parish cannot absorb large-scale development as readily as more urban locations with better transport links, infrastructure and employment opportunities. All future development in and around the villages should therefore be on a domestic scale able to integrate into the rural character of the existing settlements.

2.5 Housing

- 2.5.1 Consultation suggests that there is little community enthusiasm for any significant increase in housing provision across the parish but there is a desire to see more two- or three-bedroom houses, flats or bungalows. At the same time, it is recognised that a neighbourhood plan must provide for the evolving needs of the community. A charitable trust runs 16 flats at East Lodge in Rogate for tenants that are independent but have sheltered housing status.
- 2.5.2 In June 2017, the Parish Council and Chichester District Council undertook a local Housing Needs Survey of the parish (see Consultation Statement Appendix 5).
- 2.5.3 In total 38% of households provided valid returns and the key findings are as follows:
- Local housing need for:
 - Market Housing
 - 3-8 Market purchased units
 - up to 6 Market rented units
 - equals up to 14 Market units
 - assume average of 8 Market units in total
 - Assisted Housing
 - 14-22 Affordable rented units
 - up to 10 shared ownership units
 - equals up to 32 Assisted units
 - assume average of 23 Assisted units in total
 - Most need is from:
 - Younger people want 1 bedroom flats and 2 bedroom houses
 - Downsizers wanting 1/2/3 bedroom bungalows
 - Development
 - 2 or more sites in both Rogate and Rake was supported by 87% of respondents
 - 55% (excluding nil responses) support between 10 and 20 units in total
 - overall average support is for 28 units in total
- 2.5.4 These are key findings and in line with responses from the community questionnaire. The SDNPA previously identified an appropriate level of new development would be 11--25 new homes over the time of the Plan and its Pre-Submission Local Plan includes an allocation of 11 units for the Rogate Settlement Area. However, the recent survey shows there is a need and support for more than those figures, possibly approaching 30 units.
- 2.5.5 In recognition of the other factors (eg Viewshed, Tranquillity and Habitat Connectivity) included in the SDNPA assessment, this Plan will work on a development figure of between 10 and 20 units on two sites across the parish.
- 2.5.6 The Housing Needs Survey identifies a need for new housing to provide one, two or three bedroom homes to meet local needs within the villages of Rogate and Rake. Additionally, the community considers ideally at least 50% of this housing should be classed as 'affordable'. As well as providing much needed starter homes, this would allow some residents to down-size and vacate family homes without leaving the area. Unfortunately, this appears contrary to the market strategy of most developers and private homeowners who are motivated to increase the size of properties.

2.6 Economy and Work

- 2.6.1 Historically the parish relied on agriculture, forestry and coppicing, woodland crafts, brick-making, and service for employment. Only a few residents are now employed in agriculture, but farming is still very important to the parish economy as it continues to occupy much of the land. Much of the agricultural work is seasonal using migrant labour. There are local specialities such as organic produce and asparagus, together with a farm shop and its 'pick-your-own' business.
- 2.6.2 According to the 2011 Census 67% of the 16-74 year olds were in employment, with more than half of those in professional and managerial positions. The 2007 Parish Plan listed 80 small businesses in the parish –accountants, electricians, a car dealership, nursing homes, a garden centre, B&Bs, and five dedicated multi-unit businesses as well as three pubs, and Rogate village shop and Post Office. Those who work in the service sector such as carers, cleaners and gardeners are often able to work from home.
- 2.6.3 There is community support for enhanced broadband provision and connectivity, provision for home-working and office accommodation in derelict or otherwise unused buildings.
- 2.6.4 Consultation and local surveys indicate that the Plan should support and maximise the sources of employment already in place as well as seek to attract new sources of employment that will suit the rural environment.

2.7 Transport

- 2.7.1 The A272, an east-west primary route, runs through the centre of Rogate where it intersects at the crossroads with a narrow lane, running north-south from Rake to South Harting. The width of the roads in the village centre means there are no continuous footpaths, limited village centre parking, and HGVs unable to pass each other. Even so the roads carry heavy traffic-- often too fast for the conditions outside the village.
- 2.7.2 B2070, formerly the A3 trunk road, cuts through Hillbrow and Rake and carries a significant volume of traffic, often at unacceptable speeds.
- 2.7.3 Narrow, unclassified country lanes—sometimes sunken lanes—link the surrounding hamlets to each other and the villages. Between Midhurst and Petersfield, the only north/south routes are Fyning Lane, Habin Hill and North Street, Rogate. Tractors and HGVs sometimes use these roads with no regard to the 6'6" width restriction signs. Generally, the volume and size of vehicles makes the rural lanes, including sunken lanes, hazardous for walkers, riders, and cyclists who are often trying to access the footpaths or bridleways. In the consultation questionnaire 79% of respondents expressed great concern about the safety of these road users.
- 2.7.4 West Sussex County Council Highways Department is responsible for the parish's highways (including footpaths and bridleways). Bus services are run by Stagecoach and Emsworth and District in West Sussex, and First Bus in Hampshire. A fast and regular train service is operated by SouthWest Trains out of Petersfield, Liss and Liphook stations.
- 2.7.5 The bus services are infrequent and difficult to access for the many residents who live some way from Rogate village centre. 54% of respondents felt the public transport links were inadequate, and 63% felt poorly served by the bus services.
- 2.7.6 The 2011 Census found only 8 of the 767 economically active 16-74 year olds travelled to work by bus and the 2007 Parish Plan recorded that only 15% of the parish population used the buses. Rogate has a service along the A272 and another along Fyning Lane. Rake has

no bus service. Few buses run after working hours or on Sundays. It is considered that the bus services which exist are vital but expensive and poorly scheduled.

- 2.7.7 Car parking is viewed as being inadequate to meet the peak demands; 48% of respondents expressed concern about parking in general and 70% stated on-street parking in Rogate at the shop and in Rake at the school was poor. St Bartholomew's Church, Rogate School and the Village Hall can generate significant parking problems when there are coinciding events taking place, often causing illegal and even dangerous parking.
- 2.7.8 Most commuters travel by car, or by car/ train from Petersfield, Liss or Liphook rail stations. London is just over an hour away by train. As well as serving commuters these transport links could bring more visitors to the area. Heavy reliance has to be placed on travel by car because of the settlement patterns of the parish, but this disadvantages those without a car, such as the less affluent, young adults and the elderly, and risks increasing their isolation.
- 2.7.9 A Parish Council working party, Rogate Appeal for Traffic Action (RATA) initiated a Shared Space traffic calming scheme for Rogate village that has been developed and implemented by WSCC. The objective of the scheme is to reduce traffic speeds and reduce the clutter of signs and road markings to make the area safer and more attractive for pedestrians and cyclists. It is intended to pursue a similar scheme for Rake.

3. VISION AND OBJECTIVES

3.1 includes 'includesThe Plan Vision

Our Vision:

During the Plan period, the quality, tranquillity and character of the natural and built environments will be safeguarded and improved for future generations, and the parish will become a more environmentally sustainable, vibrant and cohesive community for the benefit of all people living in, working in and visiting the area.

3.2 Objectives of the Plan

Objective 1 S	Sustainability: To ensure new development is sustainable through maintaining and supporting the natural environment, natural resources, landscape and tranquillity of the parish.
Objective 2 NE	Natural Environment: To conserve and enhance heathlands, woodlands, hedgerows, wildlife habitats and species, water systems, natural and agricultural resources and cycles; including how they combine to form the characterising views and tranquillity of the parish.
<i>. Suggested textural chnags to</i>	Built Environment: To retain, respect and strengthen the cultural heritage and rural character of the existing built form of settlements and their settings within the landscape whilst also encouraging high quality, including contemporary, designs, sustainable building practices and the use of local renewable materials.
Objective 3 H	Housing: To meet the changing housing needs of the community especially for young people and the elderly wishing to remain in the parish.
Objective 4 EW	Economy and Work: To support local enterprises and employment opportunities, including agriculture and horticulture, which contribute positively to the parish and are delivered without detriment to the local environment.
Objective 5 T	Transport: To enhance the attractiveness of walking, cycling and public transport use and to create a safe and efficient environment for all road users.
Objective 6 E	Energy: To reduce carbon emissions and encourage the use of sustainable building techniques and renewable energy sources wherever possible.

Objective 7 CH	Community Health, Well-Being and Amenity: To provide, maintain and improve access to the local countryside, public open spaces (POS), public footpaths and bridleways, outdoor and indoor recreational facilities, playgrounds and rivers, and all other means to support a diverse and mixed community.
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3.2.1 To ensure delivery of each of the objectives and the overall vision, the policies of this Plan described in the next chapter have been linked to each objective:

Objective		Statutory Planning Policy:	Community Projects
Objective 1 S	Sustainability	NE1, BE1, BE2, H1, H2, H3, H4, H5, H6, EW1, T1, T2, T3, CH1, CH2, CH3	
Objective 1 NE	Natural Environment	NE1, BE1, BE2, H4, T1, T2	CP1, CP2
Objective 1 BE	Built Environment	BE1, BE2, NE1, H6, T2, T3	
Objective 1 H	Housing	H1, H2, H3, H4, H5, H6 NE1, BE1, EW1, T2, T3	
Objective 1 EW	Economy and Work	EW1 H2	CP3
Objective 1 T	Transport	T1, T2, T3 NE1, BE2, H6, CH1, CH2	CP4, CP5, CP6
Objective 1 E	Energy	E1 BE1, EW1, T1	
Objective 1 CH	Community Health, Well-Being and Amenity	CH1, CH2, CH3 H2, H3, EW1, T1, T2, T3	CP7, CP8, CP9, CP10, CP11

3.3 Statutory Planning Policies

3.3.1 Statutory planning policies are the means of achieving the Objectives and ultimately the Vision. They are the central focus of R&RNDP as they carry significant legal weight and their consideration will influence whether planning applications for development in the parish are approved, refused or in some instances required to be modified. The policies should be read and applied as a whole and not selectively.

3.4 Community Projects

3.4.1 During the R&RNDP process many other issues have been identified through the assessment of objective evidence and consultation with parishioners that the Parish

Council is keen to see progressed. Many of these issues, however, do not fall within the remit of the statutory planning policies because they do not directly relate to development or the use of land where it requires planning permission. However, these issues remain important and in response each Objective in Chapter 4 includes related individual Community Projects that are grouped together in Chapter 5.

4. STATUTORY PLANNING POLICIES

4.1 Overview

- 4.1.1 The statutory planning policies have been designed to achieve the Objectives stated in Chapter 3. They have also been tested against all relevant national (NPPF) and local (SDNPA Local Plan Pre-Submission version) policies during their development to ensure compliance.

4.2 Sustainability

Objective 1 S	To ensure new development will be sustainable through maintaining and supporting the natural environment, natural resources, landscape and tranquillity of the parish.
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- 4.2.1 It is specifically acknowledged that several documents such as SDNPA's Pre-Submission Local Plan and Partnership Management Plan (Shaping the Future of your SDNP), the National Planning Policy Framework (NPPF) et al, provide complete and overarching guidelines and ruling policies on the matter of sustainability within the parish.
- 4.2.2 Whilst there is an overarching Objective dealing with Sustainability it is intended that all the policies of the Plan read together will ensure sustainable development is achieved in the parish. Consequently, there is no specific policy on sustainability needed for the R&RNDP.

4.3 Natural Environment

Objective 2 NE	To conserve and enhance heathlands, woodlands, hedgerows, wildlife habitats and species, natural and agricultural resources and cycles; including how they combine to form the characterising views and tranquillity of the parish.
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- 4.3.1 The richness of the natural environment of the parish and the wider National Park is a key issue, identified during consultations, that forms one of the two main pillars in terms of the definition of local character. In particular, the diversity of the parish's wildlife, the unspoiled nature of its views and the peace and tranquillity offered to residents and visitors alike are of paramount importance. These are reflected in the Special Qualities of the National Park. The policies of this Plan seek to ensure that great weight is given to conserving the landscape and scenic beauty of the parish including its biodiversity and heritage in line with the requirements of the NPPF and the wishes of the community.

Policy NE1: To Conserve, Protect and Enhance the Natural Environment

Any new development must conserve and, wherever possible, enhance the natural environment and the characterising views identified in this Plan. This broad principle includes geology, geo-diversity, wetlands, water systems, heathland, open spaces, notable trees, landscape setting, overall tranquillity, dark night skies and characterising views of the parish.

Development will be expected to contribute to and enhance the natural environment by:

- a. conserving and enhancing the natural beauty, landscape and scenic beauty of the parish and the National Park;
- b. ensuring that appropriate agricultural, horticultural, archaeological, geological and conservation interests are safeguarded;
- c. conserving the wider benefits of ecosystem services and minimising any adverse impact on biodiversity. This covers both designated sites and non-designated areas that may have biodiversity value either through the presence of endangered species or the diversity of the plants and species present; and
- d. preventing any new development from contributing to, or increasing the risk of, soil, air, water, light or noise pollution or land instability.

Proposals should take account of the South Downs Tranquillity Study 2015 and the Dark Sky Quality Map and use them as a baseline from which to assess any changes that will result from the proposal. Development should also take account of National Planning Guidance on water supply, wastewater and water quality.

New and improved utility infrastructure will be supported in order to meet the identified needs of the community subject to other policies in the plan.

In the north of the parish, development proposals resulting in a net increase in residential units within 5km of any boundary of the Wealden Heath Phase II SPA will require a project-specific Habitats Regulations Assessment screening to determine whether a likely significant effect on the integrity of the site will result and any requirements for mitigation are identified.

Community Projects: Natural Environment

CP1: In conjunction with the Sussex Wildlife Trust, encourage Biodiversity Action Plans of key sites in the parish.

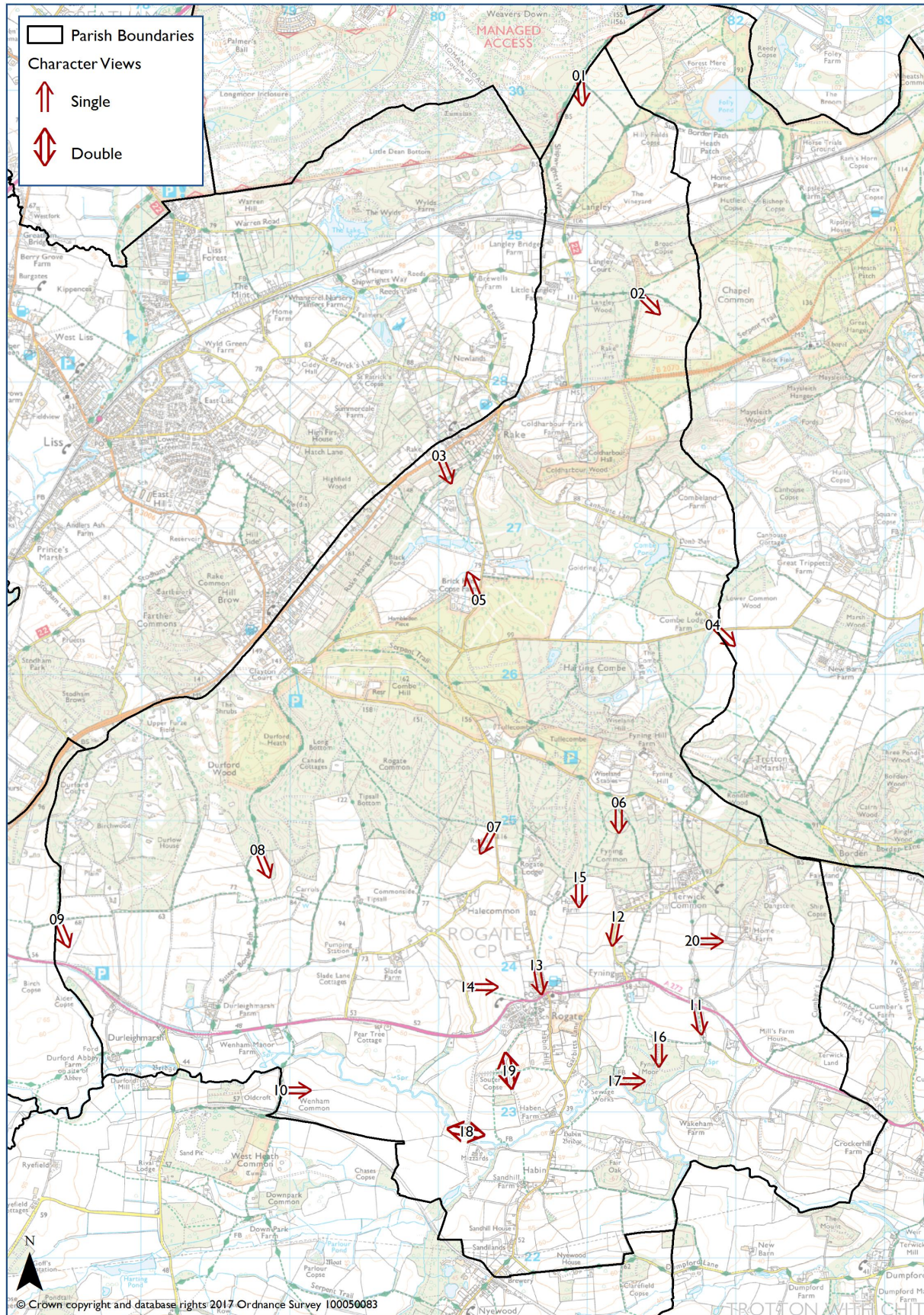
CP2: Support products and services derived from the natural environment of the parish and the avoid naturally scarce or polluting materials.

Characterising Views

- 4.3.2 The Natural Environment policies seek to conserve and wherever possible enhance the special characteristics of the area. In demonstration of these characteristics, a number of

views of special local significance within the parish have been identified to ensure that the character of Rogate and Rake that is recognised and loved by its residents is retained. See Figure 4.1 overleaf.

Figure 4.1 Characterising Viewpoints



1 North Langley (Shipwrights Way Bridleway 3684/1187 looking South)

- 2 Chapel Common (Bridleway 1180-1 looking Southeast)
- 3 Oliver's Piece (B2070 looking Southeast)
- 4 Rake Road/Canhouse Lane junction (looking Southeast)
- 5 Bull Hill (Brick Kiln Farm looking North)
- 6 Fyning Recreation Ground (Bridleway 1163 looking South)
- 7 Rake/Rogate Road (asparagus field looking South)
- 8 Southern edge of Durford Wood (Bridleway 3290-1 looking South)
- 9 Southern edge of Durford Wood (Footpath 1151/1153 looking Southeast)
- 10 Wenham Common (Footpath 861 looking East)
- 11 St Peters Church (A272 looking South across Lupin Field)
- 12 Fyning Lane (looking Southwest)
- 13 North Street, Rogate (looking South)
- 14 Rogate Village (Footpath 1160 looking Southeast)
- 15 Rogate Village (Footpath 1162 looking South)
- 16 Fyning Moor (Footpath 1147 looking South)
- 17 Fyning Moor (River Rother Black Bridge looking East)
- 18 River Rother (Mizzards Footpath 1149 East and West)
- 19 Habin Hill (Footpath 1150/1147 looking South and North)

4.4 Built Environment

Objective 3 BE	To retain, respect and strengthen the cultural heritage and rural character of the existing built form of settlements and their settings within the landscape whilst also encouraging high quality, including contemporary, designs, sustainable building practices and the use of local renewable materials.
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- 4.4.1 The second pillar in terms of defining local character lies with the special qualities of the built environment within the Plan area.
- 4.4.2 Two of the Special Qualities of the South Downs National Park relate to distinctive towns and villages and preservation of the Park's heritage assets, including its conservation areas. The policies of this Plan seek to respond to both the importance placed on locally distinctive design by residents and by the overarching strategy for the National Park.
- 4.4.3 The Plan area contains a mixture of village and hamlet settings, linear settlements and a wide scattering of larger homes and cottages across the parish.

Policy BE1: Locally Distinctive Design within the Parish

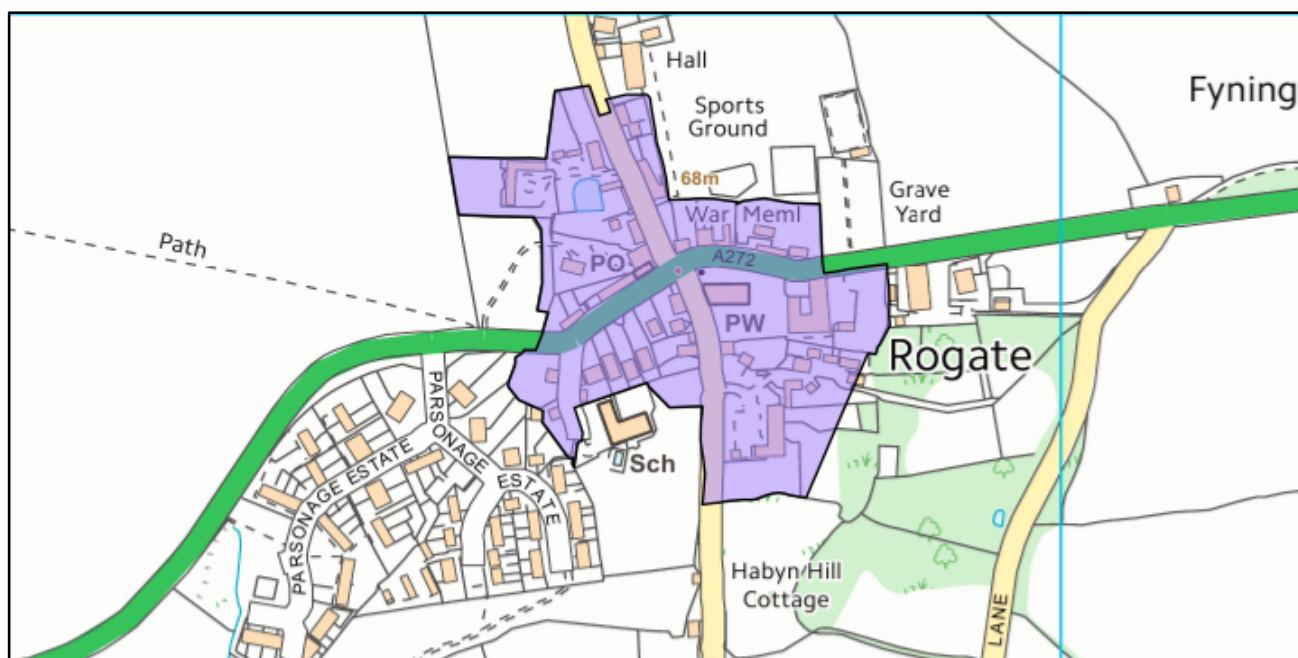
New development must be of high quality and delivered without permanent detriment to local environment, the setting of the Plan area and the Special Qualities of the South Downs National Park.

Design and Access Statements in support of a planning application must demonstrate that the proposal will include the following:

- a. high quality, which can include contemporary, architectural design, sustainable materials and build techniques, including where appropriate, opportunities for carbon reduction;
- b. with respect to dark night sky policies and especially within the Conservation Area, the avoidance of high-powered lighting or external security lighting, unprotected upward-facing fenestration, and large areas of glazing facing open countryside;
- c. a design that takes account of:
 - i. the immediate setting, the space between buildings, its orientation within the plot;
 - ii. the design, scale, roof structure and built form of any surrounding buildings;
 - iii. the treatment of boundaries, and any related village or hamlet setting;
 - iv. the architectural or historic importance of, and the conservation of the significance of, any historic dwelling;
 - v. the amenity of nearby properties and the local characterising views of parish identified in Policy NE1.

4.4.4 The only Conservation Area in the parish covers the centre of Rogate broadly within the Settlement Boundary as shown in Figure 4.2.

Figure 4.2 Rogate Conservation Area



Policy BE2: Conservation Area

Permission will only be granted for development either within, or within the setting of, Rogate's Conservation Area, if it can be demonstrated that it will conserve or enhance the character of the designation. In particular, proposals must take account of the following matters:

- a. Overall character of the Conservation Area, its layout, including public rights of way and through routes, and the relationship of the Conservation Area with the overall setting of the Rogate Settlement Area, the Plan area and the National Park;
- b. Historic patterns of thoroughfares and open spaces where these provide evidence of past ways of life within the village;
- c. Distinctive and locally specific character, including building materials, both within proximity to the site and elsewhere within the Conservation Area;
- d. The mix of building types and uses which is an important factor in characterising the Conservation Area;
- e. Use of locally distinctive building styles and materials, including reference to local facades and elevations, where they contribute to the special interest, character and appearance of the Conservation Area;
- f. Conservation and enhancement of the historic environment including both designated and non-designated heritage assets;
- g. The retention of existing trees and landscaping features, including other character-enhancing features such as walls, gateways and landmarks; and
- h. The retention of existing views, vistas and glimpses including but not only the defined characterising views identified in Policy NE1, that contribute to the character or interest value of the Conservation Area both from within and when viewed from the surrounding area.

4.5 Housing

Objective 4 H	To meet the changing housing needs of the community especially for young people and the elderly wishing to remain in the parish.
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- 4.5.1 A central objective of the Plan is to be able to meet the developing housing needs of the community, in particular the young and old of the parish. A pressing concern is the local need for appropriate housing, both in terms of size, type, number, tenure and general affordability (mindful, for instance, of parish residents earning below average wages). It is the preference of this Plan, insofar as it is possible, that social housing stock be retained in perpetuity to preserve its use under current rules for the more-disadvantaged of the parish.
- 4.5.2 There needs to be greater mobility within the housing ladder to create a balance in the parish of different house sizes that is appropriate over the life of the Plan. Primarily this can be aided through policies aimed at enabling small properties to be provided or

retained for entrants to the housing market or residents wishing to downsize, and larger properties to remain available to allow mobility up the ladder.

- 4.5.3 There is, however, a higher percentage of residents both under the age of 16 and over the age of 65 in the parish than the Chichester District average and therefore smaller or more specialist properties will be necessary over the Plan period to accommodate the varying needs of both age groups. This objective is also directly in line with the requirements of the NPPF, in particular paragraph 50. A key objective of this Plan is that young people retain the ability to live in the parish.
- 4.5.4 The provision of Affordable Housing is an important element of the R&RNDP's policies and it is noted the recent changes in allocations proposed for the SDNPA Pre-Submission Local Plan; namely:

Developments of:	Provision of Affordable Homes
1-3 Homes	Meaningful financial contribution negotiated case-by-case
4-5 Homes	1 Affordable Home
6-7 Homes	2 Affordable Homes of which at least 1 is a rented affordable tenure
8 Homes	3 Affordable Homes of which at least 1 is a rented affordable tenure
9 Homes	3 Affordable Homes of which at least 2 is a rented affordable tenure
10 Homes	4 Affordable Homes of which at least 2 is a rented affordable tenure
11+ Homes	Minimum of 50% Affordable Homes of which at minimum of 75% is a rented affordable tenure

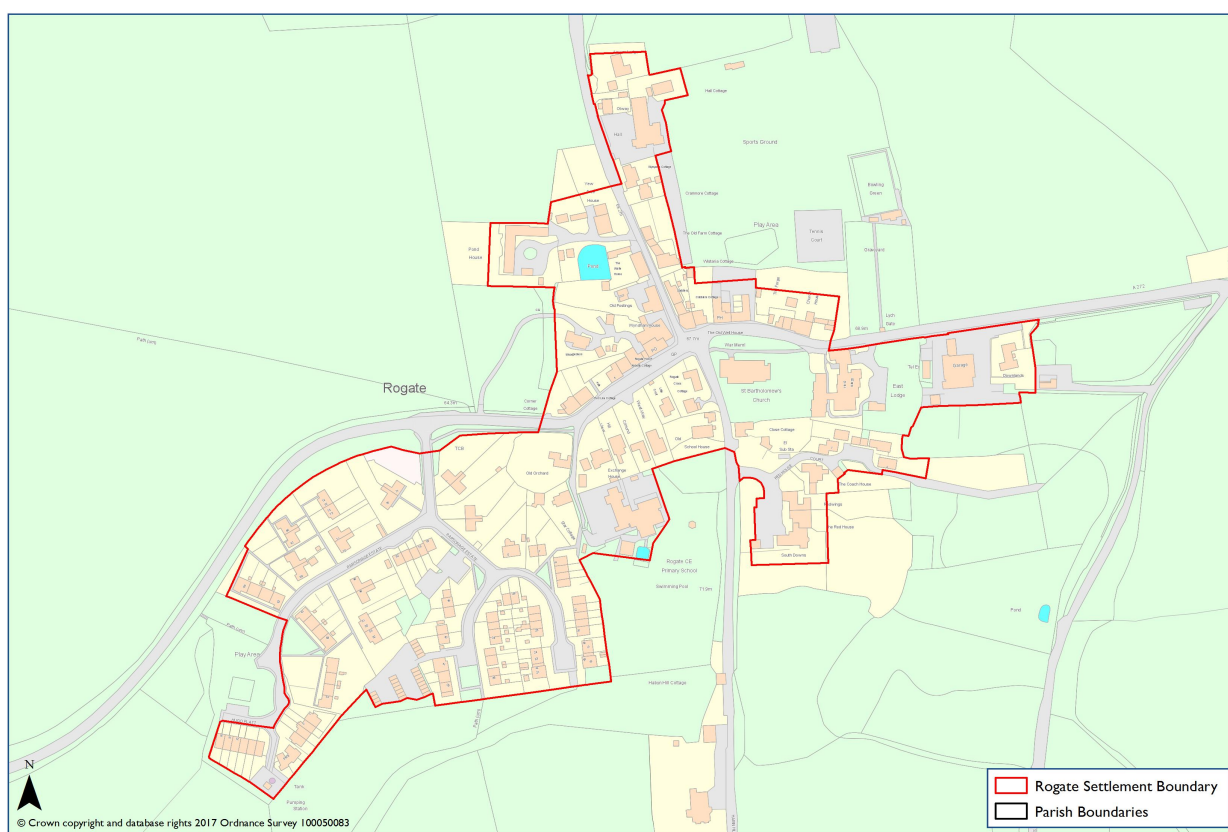
- 4.5.5 The Plan will adopt the SDNPA policy in force at the time for the proportion of affordable housing to be expected from new development.
- 4.5.6 The Community Land Trust model is likely to be an appropriate mechanism for the community to bring forward and finance appropriate development in the parish. This and other initiatives will be investigated by the parish over the life of the plan to help deliver affordable housing solutions that allow, in particular, the old and young of the Parish to remain in the area and to encourage local employment opportunities. Development within this model would be subject to viability and deliverability, and still be subject to the policies set out in this Plan.
- 4.5.7 Settlement Boundaries are a spatial planning tool used to direct development to the most sustainable locations while protecting the character of the countryside and villages. Only Rogate village has a defined Settlement Boundary and areas outside are open countryside.
- 4.5.8 As set out in South Downs Local Plan: Pre-Submission version Strategic Policy SD25: Development Strategy, the principle of development within the Settlement Boundary will be supported provided that it complies with other relevant policies. This Plan proposes a revised Rogate Settlement Boundary as shown in Figure 4.3 overleaf.
- 4.5.9 Development proposals will not normally be permitted outside of Settlement Boundaries and the countryside will be protected in accordance with other relevant policies. However, concentrating all the burden of new housing within the tightly drawn Settlement Boundary of Rogate is not desirable nor sympathetic to the Conservation Area that covers a large proportion of the village. This is especially so when there is also strong demand for housing in Rake.

4.5.10 Having undertaken a comprehensive review of potential development sites in the parish (ref Consultation Statement Appendix 11 Potential Development Sites Background Paper) it is concluded that there are circumstances, therefore, where new housing development could take place outside the Rogate Settlement Boundary. One such site that meets the requirements is proposed in Rake (see Policy H6) but there also may be Rural Exception Sites proposed during the life of the Plan. Rural Exception Sites must provide only affordable housing in perpetuity, be on sustainable sites that are located well in relation to the existing settlement and be the result of extensive community engagement.

Policy H1: Settlement Boundary

The Settlement Boundary for Rogate is defined in Figure 4.3. The principle of development within the Settlement Boundary is supported provided it complies with other relevant policies in this R&RNDP and with SDNPA policies.

Figure 4.3 Rogate Settlement Boundary



Policy H2: Residential Development in the Open Countryside

All areas outside the Rogate Settlement Boundary are considered to be open countryside and residential development will be limited to replacement dwellings and extensions, except when one or more of the following criteria apply:

- a. Sites Suitable for Development defined in Policy H6; or
- b. the development is a Rural Exception Site, the scale and location of which relates well to the existing settlements of Rogate, Hillbrow or Rake, thus providing affordable housing in perpetuity, possibly through a Community Land Trust, that meets a locally-identified need for such housing subject to viability and deliverability; or
- c. there is a demonstrated essential need to house a rural worker permanently either at or near their place of work. Such properties, if permitted, will be secured as rural worker housing in perpetuity; or
- d. where the residential development would represent the sensitive re-use of a heritage asset or would represent enabling development that ensures the retention and renovation of a heritage asset; or
- e. where the residential development would re-use existing redundant non-residential buildings and lead to an enhancement of the immediate setting; or
- f. where the residential development would be in accordance with NPPF Paragraph 55 enabling exceptional and innovative architectural designs;

These exceptions do not over-ride other policies contained in this Plan.

- 4.5.11 The desire for residents to extend their homes and allow their properties to be adapted to their family's domestic requirements is recognised by this R&RNDP. At the same time the extension or replacement of a dwelling in what is a constrained supply of housing in the parish should not lead to an imbalance in the mix of properties available. A marked trend in recent times has been the extension of 2-bedroom houses into 3- or 4-bedroom properties, taking them out of the reach of first-time buyers or families on a lower income. It is in the long-term interests of the residents of the parish as a whole that new development where possible includes 2 bed and 3 bed properties.
- 4.5.12 Similarly, there is significant benefit in allowing the conversion of larger properties to form a series of smaller properties to meet the locally identified need for smaller units. It is not, however, appropriate to expect parishioners wanting to live in smaller homes to have to live in flats and nor is it appropriate to promote blocks of flats in this rural parish.
- 4.5.13 Additionally, there is often a need for small, self-contained 'Granny' annexes to be developed within the curtilage of an existing family home to ensure that older generations can move closer to their family and receive the support they deserve in later life. The need for such units is most prevalent in the parish where it is difficult for elderly people to find suitable housing close to their relations which leads to an isolation of the less mobile and more dependent. Such annexes should remain just that: always dependent on the main dwelling and not a separate entity.

- 4.5.14 The Plan seeks to support the SDNPA initiative to formulate Large Farm Plans and Whole Estate Plans that would cover controlled development of these types of area.
- 4.5.15 The following policies seek to encourage a flexible but realistic approach to the development of existing residential properties to ensure that a sufficient supply of all types of homes is delivered and maintained in the parish.

Policy H3: Conversion of Existing Residential Properties

Development proposals for the conversion of residential properties into several self-contained separate smaller dwellings will be supported provided that:

- a. any conversion does not result in an unacceptable impact on amenity either to existing or future residents, including issues such as lack of privacy caused by overlooking of habitable rooms, cramped living conditions, lack of sufficient amenity space or lack of internal light;
- b. sufficient off-street parking and safe vehicular access to and from the public highway is available for each dwelling without any adverse landscape or visual impact;
- c. any conversion does not significantly alter the overall external appearance or historic fabric of the building, by way of materials, design, bulk or height, unless it can be successfully demonstrated that such amendments would improve the character of the building and its contribution to its setting; and
- d. any conversion, individually or cumulatively with other conversions, retains the architectural or historic importance of historic dwellings and does not result in significant adverse impact on the character of the area.

Policy H4: Replacement Dwellings, Extensions and Annexes

A development proposal for the replacement or extension of an existing dwelling or the creation of a tied annex will be supported provided that it

- a. is appropriate for the size of the plot and is an extension of a scale significantly less than the main building or is a replacement of a scale not significantly larger than the existing;
- b. meets the requirements in Policy BE1

In addition, any self-contained annex will only be permitted if it is:

- a. an extension or adaption of the main building; or
- b. conversion of an existing structure; and
- c. of a scale significantly less than the main building; and
- d. ancillary to the main residential property and will be conditioned to remain as such in perpetuity; and
- e. meets the appropriate requirements of Policy BE1

4.6 Allocation of Sites for Development

- 4.6.1 The SDNPA previously identified an appropriate level of new development would be 11--25 new homes over the time of the Plan and its Pre-Submission Local Plan includes an allocation of 11 units for the Rogate Settlement Area. However, the recent Housing Needs Survey (Section 2.5) shows there is a need and support for more than those figures, possibly approaching 30 units.
- 4.6.2 In recognition of the other factors (eg Viewshed, Tranquillity and Habitat Connectivity) included in the SDNPA assessment, this Plan will work on a development figure of between 10 and 20 units on two sites across the parish.
- 4.6.3 The allocation of land for housing is in addition to the homes that might come forward through 'windfall' development i.e. small sites which have not been specifically identified as available in the Local or Neighbourhood Plan process. They normally comprise previously developed sites that have unexpectedly become available.
- 4.6.4 The allocation of sites for development is a key part of the R&RNDP as it enables the local community to determine where and why development should and should not take place. The identification of sites has been a key part of the public consultations and discussions with SDNPA officers during the preparation of this Plan.

Policy H5: Local Housing Needs

In order to assist with the provision of additional smaller homes for young people starting out and the elderly who wish to down-size the R&RNDP includes identified sites for development that would produce a net increase of up to 15 homes during the plan period. These developments must include affordable housing in accordance with the prevailing SDNPA policies and comprise a mix of homes commensurate with the up-to-date needs of the parish as determined through liaison with the SDNPA, Rogate Parish Council, CDC Housing Authority (Rural Housing Enabler) where applicable and subject to viability and deliverability.

- 4.6.5 The first site is within the Rogate Settlement Area and is currently used for car sales, maintenance and repair facilities and an adjoining bungalow. The business currently employs less than 10 people and similar services are available within the Plan area at London Road, Hillbrow; London Road, Rake, Canhouse Lane, Rake. The current owner of the business resides in the adjoining bungalow and is fully supportive of the R&RNDP proposals, having in the past considered redevelopment of the site and having stated that it remains a possibility within the Plan period.
- 4.6.6 The south west corner of the site (to the rear of the BT telephone facility) is directly adjacent to the Conservation Area and therefore any development of the site would be subject to the relevant Policy BE2. Any proposal to incorporate the BT site within a redevelopment would be welcomed.
- 4.6.7 Opposite the site, on the other side of the A272, there is a field used for pasture that would have originally (along with most of the farmland around Rogate) been part of the historic parkland of Rogate Lodge. Replacement of the garage development with a small sympathetic village housing scheme would enhance the views from the historic parkland as well as the entrance to the village from the east.

Policy H6: Allocation of Sites Suitable for Development

a. Renault Garage and Bungalow South of A272, Rogate:

- i. These two sites are within the Rogate Settlement Boundary and currently consist of car sales, maintenance and repair facilities and an adjoining bungalow. The two sites are within one ownership and could be developed separately or, preferably, at the same time;
- ii. The site has an initial slight incline away from the road and then a drop to its southern boundary. The Settlement Boundary in Policy H1 and shown in Figure 4.3 encompasses the whole site.
- iii. It is on the south side of the road where there is a footpath that must be maintained into the village centre and connecting with the wider public footpath network;
- iv. Part of the western site boundary adjoins the Conservation Area and Policy BE2 will apply to the whole site;
- v. Given the loss of employment from redevelopment of the site preference would be given to a redevelopment that included some employment activity;
- vi. Any use will be required to include off-road parking (Policy T2) and comply with Policy BE1.
- vii. SDNPA Local Plan requirements for affordable housing will apply;
- viii. The result of a capacity study into the feasibility of developing the two sites concluded that the site is suitable for up to 9 houses and either two flats or two workshops. The indicative layout is shown in Figure 4.4.

- 4.6.8 From the consultation process for this Plan it is clear that there is a widespread view that new development should not just be constrained to the small, tightly drawn area of the Rogate Settlement Area but should also include Rake.
- 4.6.9 Although Rake is broadly a linear development it centres on the Flying Bull pub, the garden centre and its café and the successful primary school. Within the village there is an unmet demand for smaller, ideally affordable, houses that would enable young people brought up in the area to stay and older people to downsize to a more manageable house.
- 4.6.10 The second proposed development site is on London Road, Rake and forms part of the unused sections of the extended garden of the Flying Bull pub. In order to provide sufficient rear garden to the proposed properties, the site extends into the field behind, also owned by the pub's owners but within the adjoining parish of Liss. The consultation process for this Plan has included Liss Parish Council including meetings with their neighbourhood plan team and Parish Council Chairman. In response to the formal Pre-Submission Consultation Liss PC responded with their full support for the R&RNDP policies.
- 4.6.11 The boundaries in the locality are currently mainly hedges with some small trees and this soft landscaped approach should be adopted for the side and rear boundaries of the site. A mature oak tree is just outside the proposed site on the eastern boundary and its root system will need to be protected.

- 4.6.12 The owners of the pub and field are aware of the R&RNDP proposals and have expressed their full support. The viability of public houses in the area is uncertain and recent changes in tenants at the Flying Bull have only increased that uncertainty. There is strong local support for the retention of the pub and providing the development opportunity will increase the viability of the pub and reduce that uncertainty.
- 4.6.13 With four dwellings the site is just large enough to guarantee provision of one affordable housing unit. Any CIL received should be allocated to support an affordable housing delivery elsewhere in the parish.

Policy H6 continued: Allocation of Sites Suitable for Development

b. Land on North side of B2070 London Road West of Flying Bull PH, Rake:

- i. The site encompasses the western unused portion of the Flying Bull pub's garden and includes part of the adjoining field to the rear – all of which is in the one ownership;
- ii. The site partially fills a gap in development on the north side of London Road and would complement a similar row of housing on the south side. The site is not in a Settlement Area and so Policy H2 will apply;
- iii. Currently the site has a mix of scrub and small trees. A mature oak tree is just outside the site's eastern boundary and will need its root system protecting.
- iv. Development proposals should be informed by the following evidence studies: Arboricultural Impact Assessment, Arboricultural Method Statement and associated Tree Protection Plan; and Archaeological Assessment (Policy NE1);
- v. Development proposals should include soft landscaped boundaries to the rear and side of the site and allow space on the western boundary for a footpath to connect London Road to the Village Hall grounds (Policy T1);
- vi. Any use will be required to include off street parking provision (Policy T2) and comply with Policy BE1;
- vii. SDNPA Local Plan requirements for affordable housing will apply;
- viii. Liss Parish Council will need to be consulted regarding any planning application;
- ix. The result of a capacity study into the feasibility of developing the site concluded that the site is suitable for 4 houses: two, 2-bedroom and two, 3-bedroom homes. The indicative layout is shown in Figure 4.5.

Figure 4.4 Renault Garage and Bungalow, Rogate Indicative Layout

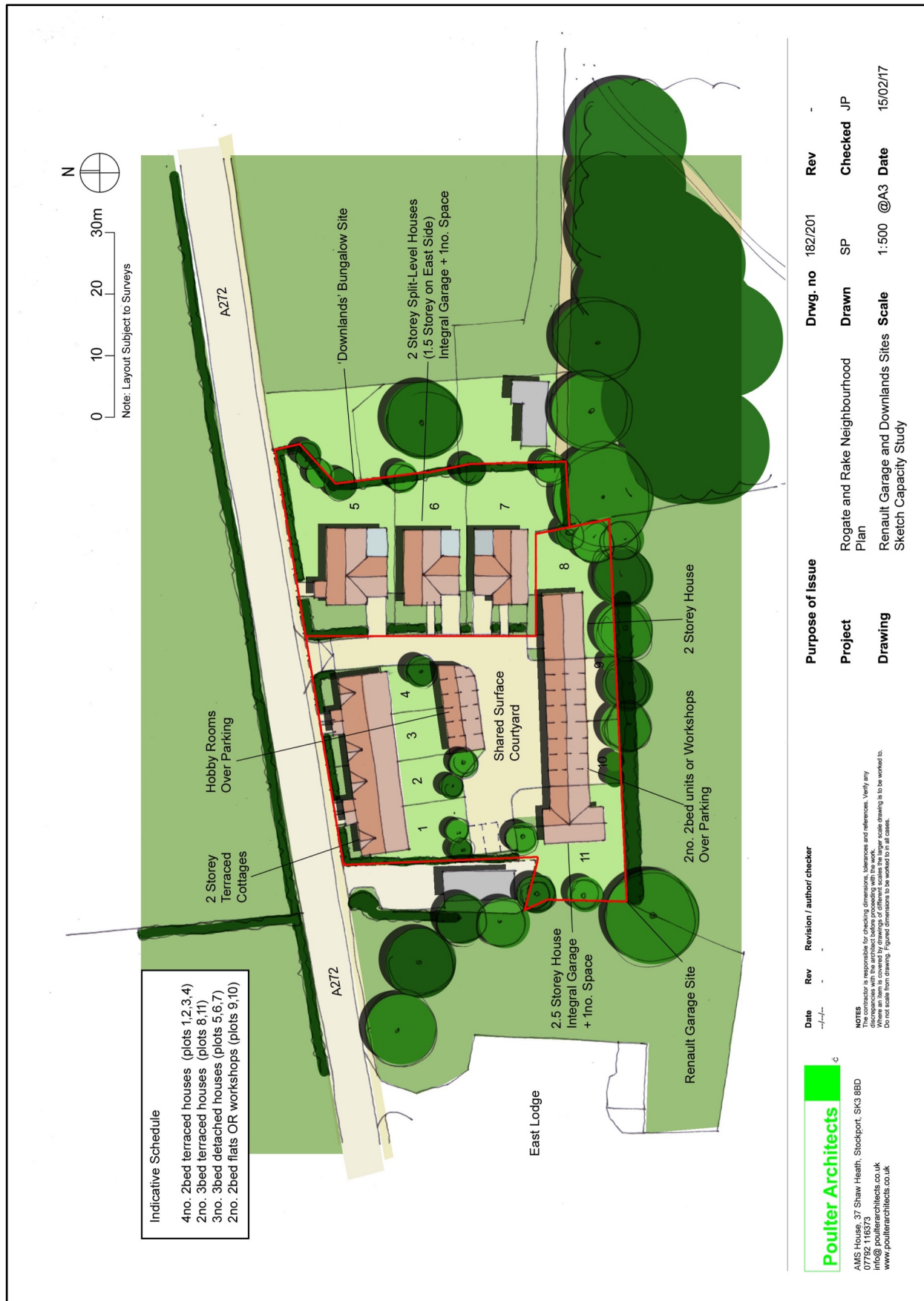
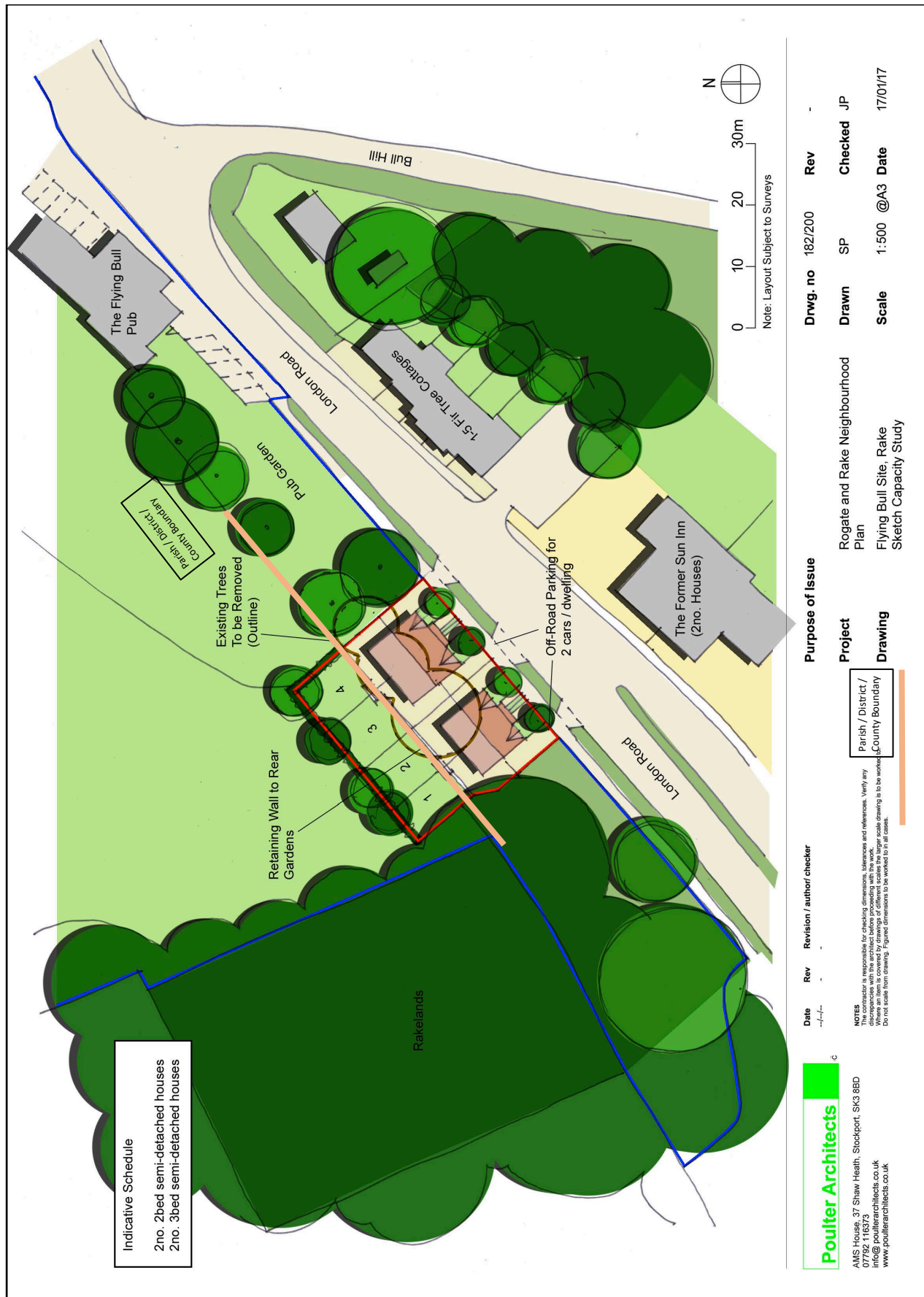


Figure 4.5 London Road, Rake Indicative Layout



4.7 Local Economy and Work

Objective 5 EW	To support local enterprises and employment opportunities, including agriculture and horticulture, which contribute positively to the parish and are delivered without detriment to the local environment.
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- 4.7.1 The predominantly rural nature of the parish means that agriculture and to a less extent horticulture forms the main elements of the local economy when measured by land area. There are however several small industrial and service industry units: London Road, Rake; Canhouse Lane, Rake; London Road, Hillbrow; Renault Garage, Rogate; Durleighmarsh, Rogate; and Harting Road, Nyewood. In addition, the parish has several equestrian and stabling facilities and woodland management activities.
- 4.7.2 The area offers a great many outdoor leisure activities (horse riding, mountain biking, cycling, walking, fishing, shooting etc), and these are also available at many sites in neighbouring parishes.
- 4.7.3 Paragraph 28 of the NPPF states the importance of maintaining a strong and prosperous rural economy and the policies of this R&RNDP aims to support the achievement of this goal.

Policy EW1: Supporting the Rural Economy

In conjunction with Policies NE1, H2 and H3, development in the open countryside is restricted to proposals that demonstrate:

- positive and demonstrable benefits to sustaining the rural economy or
- the re-use or redevelopment of existing redundant buildings or
- form part of a SDNPA Large Farm Plan or Whole Estate Plan that would control development.

Community Projects: Local Economy and Work

CP3: Lobby for improved local broadband and telecom services.

4.8 Transport and Travel

Objective 6 T	To enhance the attractiveness of walking, cycling and public transport use and create a safe and efficient environment for all road users.
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- 4.8.1 A significant draw of the parish and the National Park is the ability to navigate it in a safe and enjoyable fashion. The extensive network of footpaths, cycle ways and bridle paths add to the enjoyment of both residents and visitors alike. On top of their leisure value, these facilities also have an important function in encouraging sustainable travel and a modal shift away from the private car.
- 4.8.2 It is important that the network of paths is always maintained and improved wherever possible. It is equally important that new development proposals exploit any opportunity

to make more of the network, and access to existing and potential public transport services, through providing new linkages and enhancing these corridors wherever possible.

- 4.8.3 However, there is also a dependence on the private car in the area. Due to the isolated nature of the Plan area, car ownership provides a high level of independence and practical mobility to residents and visitors that is otherwise lacking due to the infrequent public transport service available. This is not to say that residents should become even more reliant on private car travel – nor indeed there should be a clutter of cars parked on the public highway. Therefore, sufficient parking provision should accompany any new development to keep the narrow roads and lanes navigable for buses, service and emergency vehicles, and ensure sufficiently good visibility to aid the safety of pedestrians, cyclists and horse riders alike.
- 4.8.4 The Plan process clearly identified a primary community requirement for additional and appropriate parking but recognised that implementation of such amenity is outside the remit of this Plan.

Policy T1: Encouraging Sustainable Travel

Residential and commercial development should where practical incorporate attractive links to the nearest point on the public right-of-way network and local footway networks. Opportunities to enhance and exploit the existing footpath or cycle network and existing public transport links should be taken wherever possible.

Planning permission will not be granted for development that would have an adverse impact on international nature conservation designations or on the amenity value of public rights of way, other public non-motorised routes or publicly accessible land. Any public rights-of-way across any development land should be retained in situ as a preference or only minimally rerouted.

Policy T2: Safety

Design and Access Statements in support of a planning application must demonstrate that the proposal will not have a detrimental impact on the safety of road users including cyclists, pedestrians and horse riders; not significantly increase the volume of traffic; and not disturb the established tranquillity of the locality.

Policy T3: Parking

Any development that will generate additional trips by private car should provide sufficient off-street parking in line with existing WSCC or any subsequent SDNPA parking standards and in a layout that will allow safe access and egress to and from the public highway.

Proposals for the provision of additional areas of off-street parking for vehicles and cycles in Rogate for use by visitors to the school, village hall and recreation ground will be encouraged.

Community Projects: Transport and Travel

CP4: In partnership with WSCC, develop proposals to manage traffic flows and traffic speeds on the minor roads of the parish.

CP5: In partnership with WSCC, develop proposals to maintain and improve the parish's network of public footpaths, cycle ways and bridle paths.

CP6: In partnership with WSCC, develop specific measures for traffic calming within Rake and Hillbrow.

4.9 Energy

Objective 7 E	To reduce carbon emissions and encourage the use of sustainable building techniques and renewable energy sources wherever possible.
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- 4.9.1 During the Plan-making process the potential to encourage and introduce a range of small-scale renewable projects was identified as a further mechanism of reducing carbon emissions and enhancing environmental sustainability.

Policy E1: Renewable Energy

Small scale renewable energy projects will be supported if they can be delivered without permanent detriment to the local environment and are commensurate with the special qualities of the National Park. In particular, this plan supports appropriate use of small solar panel installations and biomass energy systems subject to safeguards in Policies NE1, BE1 and BE2 .

4.10 Community Health, Well-Being and Amenity

Objective 8 CH	To provide, maintain, and improve the accessibility of the local countryside, public open spaces (POS), public footpaths and bridleways, outdoor and indoor recreational facilities, playgrounds and rivers and all other means to support a diverse and mixed community.
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- 4.10.1 The NPPF states that Neighbourhood Plans should promote the retention and development of local services and community facilities in villages, such as local shops, schools, meeting places, sports venues, cultural buildings, public houses and places of worship. In addition, the NPPF places importance on the retention and enhancement of outdoor leisure facilities, Village Greens Local Green Spaces and public rights of way.
- 4.10.2 The key elements of a sustainable village community are its church, school, shop and pub. Rogate currently has all these although the pub is in jeopardy. Rake has not had a church but uses the nearby Milland church; the village lost its shop a few years ago; there is a thriving primary school; and the garden centre also provides a thriving cafe. Small rural village communities are at risk without the lifeblood of primary school-age children receiving vital learning in the rural tranquillity of a successful village school; further, they

have the enviable and much valued chance to benefit from the unique facilities of extensive open spaces and forest schools; and the ability to learn first-hand about local agriculture and forestry industries.

- 4.10.3 Within the R&RNDP area, Rogate and Rake CE primary schools are essential parts of the two villages. Both schools have proved their worth as a local education resource for the families in the villages as well as those from further afield seeking the unique education experience that only a small rural Church schools can provide. Both schools have increased their numbers and facilities. The community supports both schools and will strive to retain both to safeguard these key elements of a sustainable rural village.
- 4.10.4 Central to the aims of this Plan is its ability to identify local amenity and recreation needs, safeguard the facilities already in place that are of demonstrable community value and promote the provision of additional facilities in future. The following three policies seek to achieve these outcomes.
- 4.10.5 Chichester District Council maintains a statutory list of Assets of Community Value, comprising social, recreational and amenity facilities of demonstrable value to their host community. Currently, the White Horse pub house, Rogate is the only registered asset located within the Parish.

Policy CH1: Community Facilities

The extension and enhancement of the following community facilities will be encouraged where their current purpose and use is retained and where there is evidence of local need, direct local benefit and viability:

Community facilities in central and eastern sector –Rogate	Community facilities in western sector - Rake
Rogate Village Hall incorporating Youth Club and Heritage Centre	Just outside parish, Rake Village Hall
Rogate Recreation Ground, including club houses, pavilions, bowls green, tennis courts, basketball court, children's play area and proposed outdoor gym equipment	including tennis court, Community Orchard and children's play area
Primary School	Primary School
Village Shop and Post Office	Garden Centre and café
White Horse PH (registered Community Asset) - currently closed	Flying Bull PH with accommodation Jolly Drover PH with accommodation
Fyning Recreation Ground	Rake Recreation Ground
Terwick Woodland	Oliver's Piece

Policy CH2: Development of Community Facilities

Where the conditions in Policy CH1 are not met, development proposals resulting in the loss or conversion of a community facility will only be supported if:

- the existing use is demonstrated to be not now viable, including through cross-subsidy from a shared use or enabling development; and
- alternative provision is available in the vicinity or accessible by sustainable means, including through clustering or sharing of facilities, without causing an unreasonable reduction or shortfall in meeting the local need.

Policy CH3: Public Open Spaces, Village Greens and Local Green Space

The following public open spaces are held as important by residents for their recreational value and these will be protected from building development other than in very special circumstances (defined in NPPF) or restricted recreational use such as golf courses except where Policy CH2 applies.

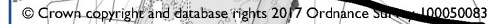
These are as follows:

Public Open Spaces in Parish	Ownership and Designations
Rogate Recreation Ground Rake Recreation Ground	Registered Charity, with the Village Hall Parish Council, registered Village Green (VG26)
Terwick Woodland Fyning Recreation Ground	Parish Council Parish Council, registered Village Green (VG24)
Oliver's Piece Garbetts Wood Hugo Platt play area and public open space	Parish Council Woodland Trust Hyde Martlett leased to Parish Council
Lupin Field, Terwick Durford Heath Chapel Common SPA, SSSI and SNCI	National Trust National Trust Private ownership, registered Common Land (CL27)
Weavers Down	Private ownership, Open Access land and registered Common Land (CL53 & CL61)

In addition to the two Village Greens and Commons, the following open spaces are recognised as demonstrably special to the local community, and will be designated as Local Green Space and protected from building development other than in very special circumstances (defined in NPPF) or restricted recreational use such as golf courses:

Local Green Spaces in Rogate Parish – see Figure 4.6

LGS1: Rogate Recreation Ground
LGS2: Terwick Woodland
LGS3: Garbetts Wood
LGS4: Hugo Platt play area and public open space
LGS5: Oliver's Piece
LGS6: Lupin Field, Terwick
LGS7: Chapel Common SSSI and SNCI
LGS8: Durford Heath
LGS9: Rake Hanger SSSI
LGS10: Fyning Moor SSSI
LGS11: Weavers Down



Community Projects: Community Health, Well-being and Amenity

CP7: Register the following assets on the District Council's Register of Assets of Community Value:

- Chapel Common – in conjunction with Milland Parish Council
- Rogate Village Shop and Post Office
- The Jolly Drover PH
- The Flying Bull PH

CP8: The promotion of the local food supply chains and support for proposals that seek to produce and process locally sourced food.

CP9: The provision of new specialist and tailored facilities for children and youth.

CP10: The enhancement of wildlife habitats in and around the public open spaces, Village Greens and Local Green Spaces.

CP11: The promotion of the local 'Dark Night Skies' initiative, in partnership with the SDNPA.

5. COMMUNITY ASPIRATIONS

Community Projects: Natural Environment

CP1: In conjunction with the Sussex Wildlife Trust, encourage Biodiversity Action Plans of key sites in the parish.

CP2: Support products and services derived from the natural environment of the parish and the avoid naturally scarce or polluting materials.

Community Projects: Local Economy and Work

CP3: Lobby for improved local broadband and telecom services.

Community Projects: Transport and Travel

CP4: In partnership with WSCC, develop proposals to manage traffic flows and traffic speeds on the minor roads of the parish.

CP5: In partnership with WSCC develop proposals to maintain and improve the parish's network of public footpaths, cycle ways and bridle paths.

CP6: In partnership with WSCC, develop specific measures for traffic calming within Rake and Hillbrow.

Community Projects: Community Health, Well-being and Amenity

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CP10: The enhancement of wildlife habitats in and around the public open spaces, Village Greens and Local Green Spaces.

CP11: The promotion of the local 'Dark Night Skies' initiative, in partnership with the SDNPA.

6. IMPLEMENTATION

- 6.1.1 All those considering some form of development in Rogate Parish will need to take account of these R&RNDP policies and shape their proposals accordingly.
- 6.1.2 Decisions on planning applications are made by the South Downs National Park Authority with some decisions delegated to the Chichester District Council. Those planning decisions will have to be made in accordance with the policies of the Rogate and Rake Neighbourhood Development Plan.
- 6.1.3 Utilities and service providers will need to take account of housing and business allocations in the R&RNDP when planning their own services.
- 6.1.4 Community facilities and services will be provided by developers through their financial contributions, particularly through the Community Infrastructure Levy. The South Downs National Park Authority and the Rogate Parish Council will decide on the allocation of monies from the Community Infrastructure Levy.
- 6.1.5 Those involved with the management of open and green spaces, rights of way and areas of biodiversity, including the South Downs National Park Authority, the Rogate Parish Council and the West Sussex County Council, will reflect the various designations in the R&RNDP in their management policies and future provision.
- 6.1.6 People and Businesses will look to the R&RNDP to know the amount, design and location of development, particularly when buying houses or setting up businesses.
- 6.1.7 Rogate Parish Council will take account of the Community Aspirations in its ongoing activities and will seek, both directly and indirectly through the help of others, to implement to Community Projects during the Plan period.

7. MONITORING AND REVIEW

- 7.1.1 The effectiveness of the Rogate and Rake Neighbourhood Development Plan will be monitored over the Plan period by the Parish Council in partnership with the SDNPA. The Parish Council may decide to review the Plan if:
 - a. It is considered by the Parish Council that the effectiveness of the Plan could be significantly improved by a partial or full review of the policies; or
 - b. Any future review of the South Downs National Park Local Plan results in a conflict with policies of the Plan to the extent that it is rendered ineffective; or
 - c. There is planning merit in producing a replacement Plan that encompasses a wider area, possibly in partnership with adjacent Parish Councils.

SDNPA response to the Rogate & Rake Neighbourhood Plan – Submission Document

Page number	Section	Comments	SDNPA Recommendation
		<p>General</p> <p>The SDNPA welcomes the submission of the Rogate & Rake Neighbourhood Plan (RRNP), and wishes to congratulate the Parish Council and Neighbourhood Plan Steering Group (NPSG) on reaching this milestone. We acknowledge that the process of preparing the RRNP and supporting evidence has taken a considerable length of time with several delays occurring mainly due to circumstances beyond the control of the Parish Council / NPSG. We would therefore like to commend all those involved for their patience and perseverance.</p> <p>The SDNPA provided detailed comments at the Pre-submission consultation in 2017 and we welcome the changes to the RRNP that have been made in response to these comments. We note that the overall vision, objectives and policies of the RRNP have not changed significantly since the pre-submission consultation. We therefore reiterate our original general comment on the plan which we consider to contain many good ideas. The Plan provides a supportive framework for landscape management and function both directly and indirectly. The Plan is also well presented, providing succinct contextual information on the parish and clearly drafted planning policies which can be used in the determination of planning applications.</p> <p>We recognise that drafting of the RRNP has occurred over a long period of time, much of which was prior to the adoption of the South</p>	

Page number	Section	Comments	SDNPA Recommendation
		Downs Local Plan. This was a challenge given that the adopted Local Plan policy for the Parish at the time was largely out of date (Chichester Local Plan 1999) and policies for the South Downs Local Plan (SDLP) were in draft form. There is, as a result, several overlaps between RRNP policies and adopted SDLP policies, and in a few instances we have identified potential conflicts between the two - we have highlighted these in our comments below.	
13	2.5.4	<p>For clarity, Policy SD26 of the South Downs Local Plan (SDLP) identifies a housing provision of 11 new homes in Rogate during the plan period 2014-2033. SD26(4) states 'NDPs that accommodate higher levels of housing than is set out [in the policy] will be supported by the National Park Authority providing that they meet local housing need and are in general conformity with the strategic policies of the development plan.'</p> <p>It is noted that preparation of the RRNP has been informed by a Local Housing Needs Survey undertaken in 2017, which identified a local housing need of up to 14 market homes and up to 25 affordable homes. It is also noted that the Housing Needs Survey identifies a need for smaller 1-3 bedroom sized homes. This concurs with the purpose of Strategic Policy SD27 of the SDLP</p>	None
22	Policy NE1: Conserve, Protect and Enhance the	We note and welcome the inclusion of policy text here requiring project-level Habitats Regulations Assessment for development proposals within 5km of the Wealden Heath Phase 11 SPA. This reflects the outcome of the Habitats Regulations Assessment of the RRNP.	No further changes requested.

Page number	Section	Comments	SDNPA Recommendation
	Natural Environment	Further minor amendments made to this policy in response to our Reg 14 Pre-submission comments are also welcome.	
26	Policy BE1: Locally distinctive design within the Parish	<p>Objective 3 BE could be clarified to state 'use of renewable building materials found in the local area'</p> <p>We would also recommend the following amendment to the policy criterion c.iii to make it more effective for development management purposes:</p> <p>c. iii. the treatment of boundaries <u>is appropriate for its location and respects the village or hamlet setting</u></p> <p>The addition of criterion (b) since the pre-submission draft is welcome given the quality of dark night skies in the neighbourhood area. The supporting text could also helpfully refer to the quality of dark night skies to give this criterion some context. The parish is within the dark sky core of the International Dark Sky Reserve and contains some of the darkest night skies of the National Park.</p>	<p>Revise objective and policy wording</p> <p>Include details of the quality of dark night skies in the supporting text</p>
27	Policy BE2: Conservation Area	We welcome the inclusion of reference to the setting of the Conservation Area and locally distinctive building materials in this policy.	No further changes requested.
28	Housing Para. 4.5.3	Reference to the NPPF should be updated to paragraph 61 which refers to the size, type and tenure of housing needed for different groups in the communities being reflects in policies.	Update NPPF reference.
28	Housing	We note that the provision of affordable homes is an important element of what the RRNP seeks to achieve. Given that the South	Delete table at paragraph 4.5.4.

Page number	Section	Comments	SDNPA Recommendation
	Para. 4.5.4	Downs Local Plan is now adopted we would recommend deleting the table in paragraph 4.5.4 (which we also note contains an error in the first row – meaningful financial contributions are sought on sites with gross capacity for 3 homes).	
28	Housing Para. 4.5.6	The SDNPA strongly encourages the involvement of community-led housing organisations who are looking to create permanently affordable housing needs. To achieve this aim, the SDNPA makes available modest financial grants towards the cost of affordable homes delivered via community led housing groups (which includes Community Land Trusts).	None
28	Para 4.5.8	Reference to the SDLP should be updated to state the SDLP is adopted as of July 2019.	Update reference to the SDLP.
30	Policy H2: Residential Development in the Open Countryside	The NPPF has been updated since this policy was drafted. Criterion f should refer to paragraph 79 of the NPPF. We reiterate our comments raised at Reg 14 consultation that Policy H2 re-emphasises much of the protection already afforded by national policy and SDLP policy. This additional layer may be unnecessary, risks creating confusion and may in places be in conflict with higher level policy, thereby undermining the level of protection afforded.	Reconsider whether this policy is necessary. .
27	Policy H4: Replacement Dwellings,	Policy H4 is concerned with appropriate replacement or extension of existing dwellings. SDLP Policy SD30 sets specific requirements regarding the replacement of existing dwellings, limiting the additional floor area to approximately 30% compared to the existing dwelling, to	Consider the relationship between Policy H4 and Policies SD30/31 of the SDLP.

Page number	Section	Comments	SDNPA Recommendation
	Extensions and Annexes	<p>reduce the loss of small homes in the National Park through replacement by substantially larger homes.</p> <p>Policy SD31 of the SDLP also sets a limit of approximately 30% additional floorspace for extensions, to avoid the over-extension of existing dwellings and the adverse impact that this has on the character and appearance of both settlements and the countryside.</p> <p>Both SD30 and SD31 are non-strategic policies of SDLP, such that where there is a conflict between a NDP policy and Local Plan policy, the most up-to-date policy takes precedence. We consider Rogate Neighbourhood Area could lose the 30% limits of SD30/31 with the making of NDP and policy H4 and query whether this is the intention of the Parish Council?</p>	
29-32	Policy H6: Allocation of Sites Suitable for Development	<p>Strategic Policies SD4 and SD5 of the SDLP require a landscape-led approach to the design and layout of all proposals in the National Park. Whilst we appreciate that the indicative layouts in the RRNP may have been included to demonstrate how a certain quantum of development could be achieved on the sites allocated, their inclusion could undermine good contextual design and the evidence base / landscape-led approach for well-designed places. We therefore recommend the plan includes a red line boundary of the sites only. This is consistent with the approach to site allocations in the SDLP.</p>	Remove indicative layouts and include red line boundary of site allocations only.

Page number	Section	Comments	SDNPA Recommendation
		<p><u>H6 (a) Renault Garage and Bungalow South of A272, Rogate</u></p> <p>We welcome the changes made to this policy in response to our pre-submission comments.</p> <p>The rear boundary of the site is a historic landscape feature and we request specific reference to conserving this in the policy.</p> <p>Reference in criterion viii to an indicative layout should also be removed.</p> <p><u>H6(b) Land on north side of B2070 London Road west of Flying Bull PH, Rake</u></p> <p>During the Regulation 14 consultation we raised a number of concerns with this site including the loss of trees, the site's elevated position next to the B2070 London Road, and the inclusion of proposed gardens extending beyond the designated Neighbourhood Area.</p> <p>We acknowledge that amendments have been made to the policy criteria which go some way towards addressing these concerns. Nevertheless, the site has a series of constraints which will need to be carefully addressed in any future planning application.</p> <p>Given the comments above regarding removal of indicative layouts in the NDP, we consider the criteria of the policy should be clearer in requiring development to be set back from the London Road and provision made for a soft landscaped area along the frontage.</p>	<p>Include reference to the historic field boundary.</p> <p>Remove reference to indicative layout.</p> <p>Include requirement for soft landscaping on frontage of the site.</p>

Page number	Section	Comments	SDNPA Recommendation
		<p>We note a new requirement for a footpath connecting with village hall grounds, this should be secured through a suitable planning obligation.</p> <p>The second proposed allocation is in Rake and responds to community feedback that development should not be considered in this part of the parish also. It should be noted that Rake is not identified as a settlement in Policy SD25: Development Strategy of the SDLP and it does not have a housing provision figure set in Policy SD26. The allocation would not therefore contribute to meeting the housing provision figures set in SD26 for Rogate although it is noted that site H6 (a) is expected to meet the housing provision for Rogate.</p>	
37	Policy EWI: Supporting the Rural Economy	<p>We consider that Policy EWI appears to allow for a wide range of development within the countryside and query whether this is the intention of the RPC? We suggest a cross reference to strategic Policy SD25 Development Strategy of the SDLP to ensure that appropriate exceptions to development in the countryside are retained.</p> <p>The use of the word “redevelopment” is unclear – e.g. does this support demolition of redundant farm buildings and erection of newbuild in their place? Policy SD41 of the SDLP sets detailed requirements regarding the conversion of redundant agricultural or forestry buildings in the countryside, providing support for the rural economy whilst protecting and enhancing the character of the countryside. We’d recommend cross-reference to Policy SD41 in criterion (b).</p>	Clarify intention and wording of policy and relationship with Policy SD41 of the SDLP.

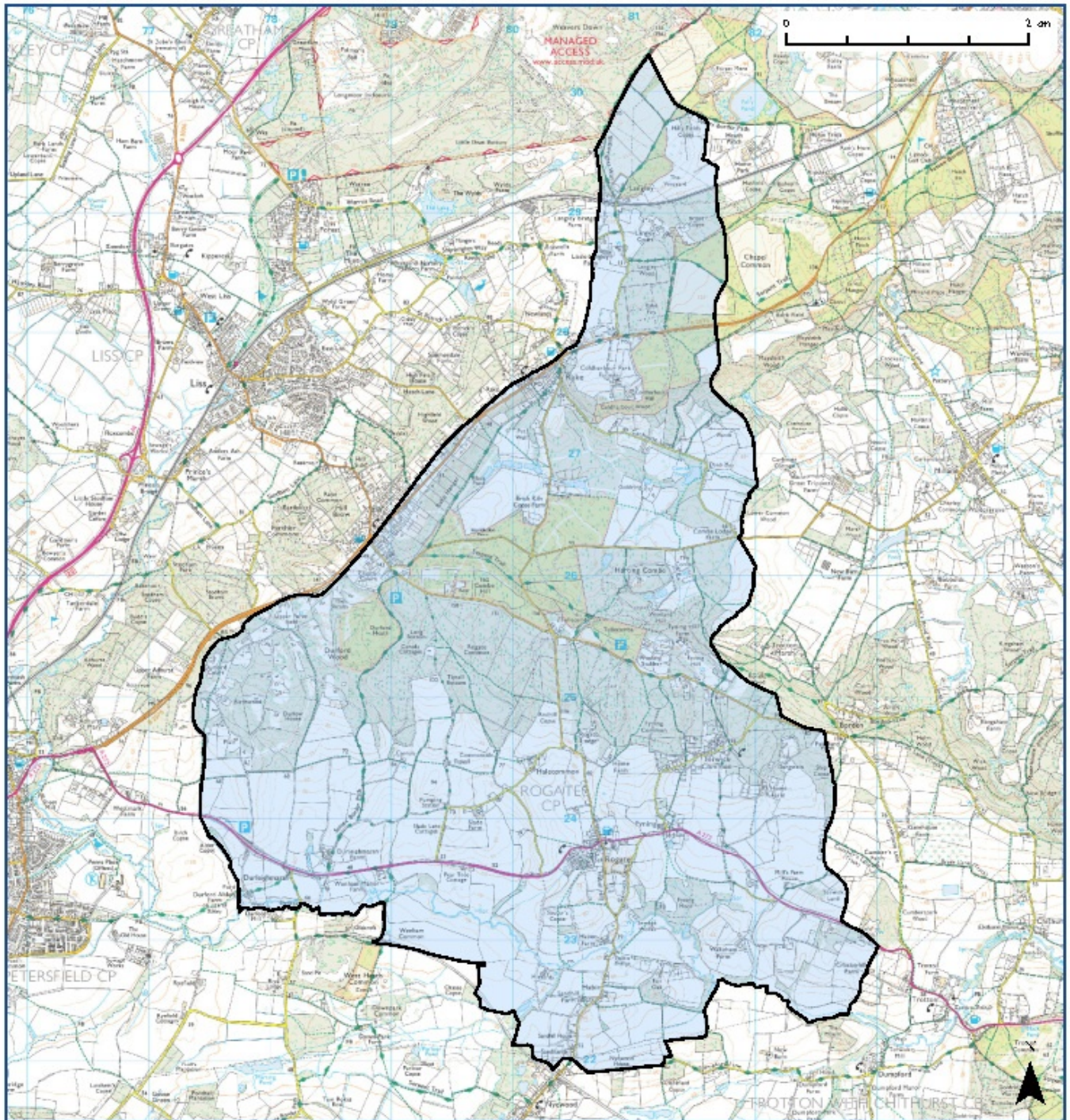
Page number	Section	Comments	SDNPA Recommendation
38	Policy T1: Encouraging Sustainable Travel	We welcome the change to this policy in response to our previous comments in regard to any adverse impact international nature conservation designations.	None.
38	Policy T3: Parking	To note, the SDNPA has recently consulted on a draft Parking SPD for the National Park.	
40	Policy CH1: Community Facilities	Suggest that the term 'supported' rather than 'encouraged' is more appropriate in the context of development management.	Amend policy wording.
42	Policy CH3: Public Open Spaces, Village Greens and Local Green Space	<p>We understand the intention of this policy is to identify public open spaces of local value to residents. In addition, particular open spaces are identified as demonstrably special to the local community and are to be designated as Local Green Spaces in accordance with paragraphs 99 and 100 of the NPPF.</p> <p>The SDNPA is supportive of the principle of Local Green Space designations. We are mindful, however of the criteria of the NPPF that states LGS designation should only be used where green space is demonstrably special to the local community and holds a particular local significance and that designating land as LGS should be consistent with the local planning of sustainable development. In light of this, the independent examiner may come to a view that one or more of the proposed sites do not meet the tests of the NPPF. The SDNPA will</p>	

Page number	Section	Comments	SDNPA Recommendation
		duly consider any such recommendation the examiner decides to make.	
46	6. Implementation	<p>We note the addition of reference to the use of Community Infrastructure Levy under paragraph 6.1.4</p> <p>Para 6.1.2 should state that planning decisions will be made in accordance with the Development Plan unless material considerations indicate otherwise. Once made, the RRNP and SDLP will form the Development Plan for the Rogate neighbourhood area</p>	<p>None</p> <p>Amend text in reference to the making of planning decisions.</p>
	SEA / SA	A Sustainability Appraisal incorporating Strategic Environmental Assessment has been completed to support the preparation of the RRNP. This includes an appraisal of the key environmental constraints at each development site considered in the preparation of the RRNP, and potential effects that may arise as a result of development at these locations. The assessment concludes that the RRNP is likely to lead to a series of long term positive effects. Some minor negative effects were also identified, but given the scale of the proposals, these negative effects are however likely to be insignificant.	The conclusions of the SEA/SA are noted.
	HRA	A Habitats Regulations Assessment has been undertaken, including Appropriate Assessment of expected likely significant effects to European Sites due to air quality, recreational pressures and urbanisation issues. The HRA concludes that the appropriate safeguarding policies exist within the SDLP and RRNP, therefore, no adverse effect would occur on the integrity of European Sites.	The conclusions of the HRA are noted.

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**SOUTH DOWNS
NATIONAL PARK**

Designated Neighbourhood Area: Rogate CP



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Scale at A4 1:45,200

- Designated Neighbourhood Area
- Within the National Park

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